To the Public and To Whom It May Concern:

I have been a part of three council meetings and heard all of the proceedings. I am concerned as a water-paying customer of the City of Flint and as attorney for the refund customers and Plaintiffs in the State case requesting a refund for payments for poisoned water. The following are my concerns and comments:

The Flint City Council should be given its own attorney to allow it to file a response to the Joint Motion to Confirm the Settlement in the Flint Water cases. In my opinion, the City Council has a right to file a response to the Joint Motion to Confirm in addition to voting whether or not it will accept or reject the proposed settlement agreement if it is confirmed by federal court Judge Levy, and state judges (Farah and Murray) as it is now written.

[1] The City Council at its December 14, 2020 meeting requested an independent attorney to draft a response to the Motion to Confirm the Flint Water Crisis Settlement. The City Council was told by the City’s Attorneys that the Council may respond to the Joint Motion to Confirm the Settlement Agreement by accepting or rejecting it. The City’s attorneys said the Council could give no other response.

[2] The City Council should, in my opinion, be able to respond to the Motion for Preliminary Approval of the Proposed Settlement Agreement, reflecting the Council’s concerns.

[3] The Motion asks if the Settlement Agreement is in the public interest. The Council could answer that the Settlement Agreement is in the public interest only if the terms are modified slightly. The City has an interest in giving a fair amount of settlement money to pay the claims of individuals (adults) in the City who suffered economic losses. The City benefits if it raises the amount of compensation for this sub-group. A higher amount paid to them can cause them to opt into the settlement and not leave the City liable to pay the claims after a settlement.

[5] The Council could ask for these change -- a new formula on allocating economic losses, having the City allowed to be represented with the economic loss subgroup of all Adults (individuals) and modifying the scope of the release. I doubt the City’s insurer would object to these terms and Judge Levy might accept them.

[6] All the other parties who wish to modify the Settlement are able to file a response and seek a better settlement while still being able to accept the Settlement (if it is confirmed). Why is the City Council being told it cannot respond to the Agreement?

[7] The City Council, on behalf of the City, should have an equal right to seek modifications to the settlement. The State, as a defendant, was able to propose settlement terms and give input on the settlement agreement. The City Council did not have any right to give any input ever.

[8] The City Council should have the opportunity to propose terms to a settlement before the final settlement agreement is confirmed.

[9] According to Council President Kate Fields, the City Council did not receive the entire Settlement Agreement until Dec 8 -- which is just six days before the City Council was asked to confirm the Settlement (on Dec 14).

[10] When Council member Winfrey-Carter asked why the City Council must approve the settlement and authorize payment of insurance to cover the City’s share, she was told the Council has no role in approving the terms of the Settlement or in giving any input on it at any time. In my opinion, this is contrary to the City Charter requirement that the City Council approve any settlement.

For adult citizens of the City of Flint, the proposed Settlement Agreement should be modified.

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Loyst Fletcher, Jr.

Water-Paying Customer

Attorney for Refund Class