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April 26, 2018

Freman Hendrix
GLWA Board Chairman
Representative for City of Detroit
735 Randolph, Suite 1900
Detroit, MI 48226

Re: Detroit Water and Sewerage Department (DWSD) Storm Water
Drainage Charge Billing

Mr. Hendrix:

I hope that, as a member of the Great Lakes Water Authority (GLWA), you may be cooperative and receptive to my concerns. Unfortunately, my previous letters (although not necessarily to the GLWA Board of Directors) but, regardless of the recipient, when it comes to the City of Detroit and any associated departments, agencies or organizations. .most inquiries, requests, suggestions, and complaints go unanswered and ignored.

As an aside, I have carefully read and reviewed most of your publicly available guidance, bulletins, handouts, presentations, and other information that describes and explains Detroit's storm water runoff or "drainage fee." The fact that I understand your definition of impervious area, have studied how you calculate impervious area, and can follow your mathematical formula to derive the drainage charge does not mean that I think the drainage charge is reasonable or sustainable.

Indeed, this fee is undoubtedly an oppressive and extortionate charge of dubious necessity notwithstanding the annual cost to filter and chemically treat storm wastewater and sanitary wastewater. Customers receiving water from the DWSD are literally and figuratively paying in perpetuity for the outmoded infrastructure, which combines storm and sanitary wastewater for treatment at the main plant. Unless some of the drainage fees billed are utilized to overhaul and optimize the infrastructure, the lack of affordability of such fee will only worsen and, therefore, is unsustainable.

Be that as it may, while the fee exists, it should be administered in as fair, accurate, and sensible manner as possible; this is not the case. I

am familiar with the State of Michigan law, which permits municipalities to rollover delinquent water bills to the property tax roll at which time they become part of the taxpayer's unpaid tax bill. Nevertheless, this does not mean that the DWSD can only bill by parcel number. In fact, I have multiple locations, which are not separate parcels for tax bill purposes meaning that I do not receive a tax bill for the address but, nonetheless, have water meters and are billed for water service. The water meter is linked to the postal address, which it services. The postal address has a separate electric, gas meter, front and rear doors, and often rooftops. They are measurable either through geographic mapping or through a physical survey of the premises. This reality belies the fact that the DWSD refuses to bill the drainage charge per address and, prefers, to arbitrarily and indiscriminately lump the drainage charge on a single address.

An attempt to get a logical and reasoned answer to my inquiries has been as frustrating or more than the charge itself. I've been told that only the "parent" or main parcel can receive a drainage charge yet I have cases in which the entire drainage charge is billed to a sub-parcel. The lack of consistency and clarity in the administration of the DWSD drainage fee is astounding. And, ironically, while DWSD argues (and very vehemently) that only main parcels can be billed as if it's impossible to bill any other parcel for drainage because the computer won't comply or it's somehow unlawful, the DWSD is unwittingly disproving its own premise by doing what it alleges is "impossible."

Logically, the drainage charge should be billed in accordance with the amount of impervious acreage at the service address for which potable water is billed. Based on DWSD's own literature and guidance on the drainage charge, the geographic information system (GIS) can estimate the amount of impervious acreage present at a given physical address. An accurate calculation of the impervious acreage of a legal address does not require complex measurement. It might even be more accurate if the impervious acreage was calculated on a "per address" basis because the bulk of the impervious acreage for a parcel of improved real estate is often the rooftop and usually the area of rooftop is virtually identical to the square footage of the buildings notwithstanding paved areas like parking lots and sidewalks.

I am already beleaguered as a property manager and landlord with properties within the City of Detroit in a city that tends to vilify, malign, and disenfranchise landlords and, by extension, non-owner occupied properties but a billing system solely based on parcel number is a very clunky, inaccurate and unmanageable method for assessing the drainage charge. Further, it's inequitable and unfair.

To maintain fiscal accountability and a responsible use of resources, I generally require my tenants to set up a Direct Payment Agreement with the DWSD. Prior to this, we utilized DWSD's Affidavit of Lessee Responsibility form to place water service in the current tenant's personal or business name. When the tenant sees this "drainage charge" on his/her bill, the tenant is incredulous believing that either there have

been charges levied for someone else's water service or that there is water wastage. But wait, I've also been told that the drainage charge should not appear on the inside, running, and drinkable water bill.

Why? I was informed that the method by which the "drainage charge" is assessed was designed to make the property owner solely responsible for payment of this fee by billing the property owner separately (and in some cases, only for the drainage fee while the tenant's shows no drainage charge) from the tenant but, again, merely creating a separate account number or putting the taxpayer's or owner's mailing address on the drainage fee bill does not mean that the owner will actually pay the bill or ultimately be responsible for paying the bill. As you know, any charges or fees that the City of Detroit or the DWSD assesses to the property owner or landlord can be contractually delegated to the tenant or current occupant as part of a lease agreement. There is no reason for the DWSD to generate any separate drainage charge account statement when it could be listed as part of the line-by-line itemization on the inside, drinkable, running, or potable water bill.

I have been dissatisfied with the contradictory, nonsensical, and dismissive answers that I've received to date and I will continue to press this issue until I either receive an explicit and detailed answer as to why the DWSD cannot split up the drainage charge per address as it does the running water charge (on properties with or without water meters because it is based on impervious acreage anyway). The gist of the answers that I've received thus far can be summed up as: "This is the way we do it."

Well, that's not good enough and it's not going to be good enough when the City of Detroit levies hundreds and thousands of dollars in costs to ratepayers on a daily basis for storm water, sanitary water, and running water service. I should, at a minimum, be able to receive proportionately and accurately measured bills in a manner that comports with how ratepayers pay utility bills. Customers pay utility bills for electricity, gas, and water service for the service address...not for the parcel number. You are assessing the drainage fee as if it is a property tax instead of a user fee. The only instance in which property owners pay "per parcel" is for property taxes; this is a supposedly a "user fee," and, therefore, it should properly be included on the DWSD bill. I doubt that you want to characterize it as a property tax because, if it is a property tax, then it may violate the Michigan Constitution because of a series of voter-approved amendments aimed at abating annual property tax increases, which include a ballot initiative if the increase is above a specified allowance per year.

Words cannot express my disappointment with the disservice that I receive from the DWSD and the City of Detroit. This is not the first and will not be the last time that I challenge a nonsensical and, furthermore, antiquated, and extortionate DWSD billing system. I understand that you have made significant computer and technology upgrades with respect to your meter reading devices as well as to your monthly billing statements but these measures in isolation without practical and rational policies

and procedures on which you base your billing and payment system(s) are futile.

While I agree, as many do who work, live, and do business within the City of Detroit and many of the surrounding suburbs, that the water rates are oppressive and "payment plans" do not correct or even mitigate the underlying injustice but, instead, prolong the agony of the unfairness and inequity, the point of this letter is not to litigate the water rates. I would prefer to think that palpable and tangible action to renegotiate contracts (and whatever other available mechanisms) to deliver treated water to most of southeastern Michigan at a much lower cost may come to fruition in the future, this correspondence is not meant to litigate this issue.

Further, there are many very boisterous and resilient voices championing that cause.

There doesn't appear to be any attention to this drainage fee issue and this letter as well as my former correspondence is to call attention to a problem, how I've tried to find a solution coupled with the obstacles I've encountered in doing so, to express my continued dissatisfaction and demand a workable remedy, and to advise that if I'm unable to use appeal to your reason and better judgment, that I will have to seek more public and coercive measures to spur action, which could lead to more negative attention to the City of Detroit and the DWSD - a tactic that appears to be more successful than trying to amicably obtain the quality and comprehensive customer service to which I'm entitled as a taxpayer and ratepayer.

If you have any further questions or concerns, I may be reached using the contact information above.

Thank you for your prompt attention and response to this letter and action on this matter.

Respectfully,



Alex Green IV

cc:

- 1.) Brian Baker, GLWA Board Vice Chair; Representative for Macomb County
- 2.) Abe Munfakh, P.E., GLWA Board Secretary; Representative for Wayne County
- 3.) Gary Brown, GLWA Board Representative for the City of Detroit
- 4.) Robert J. Daddow, GLWA Board Representative for Oakland County
- 5.) Craig Hupy, GLWA Board Representative for the State of Michigan