



September 28, 2018

VIA EMAIL AND U.S. CERTIFIED MAIL

City of Flint Department of Law
ATTN: William Y. Kim
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City of Flint
ATTN: Steven Branch, Interim City Administrator
City Hall
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Re: Notice of City of Flint's Violations of Settlement Agreement in *Concerned Pastors for Social Action v. Khouri*, No. 16-10277 (E.D. Mich.)

Messrs. Kim and Branch:

Pursuant to Paragraph 128 of the Settlement Agreement, Plaintiffs provide notice to the City concerning a dispute over the City's noncompliance with its service line replacement obligations under the Agreement.

The City is conducting thousands of excavations at homes that City records indicate are served by full copper service lines, and the City is then counting those excavations toward the minimum excavation requirement in Paragraph 20 of the Agreement. *See* 2d Suppl. Woods Decl. ¶ 4, ECF No. 187-3; Suppl. Chaudhary Decl. Ex. 1-1, ECF No. 187-2. The City is doing this in lieu of conducting excavations at homes for which City records do not indicate the presence of full copper service lines, including homes for which the information available to the City indicates the likely presence of lead or galvanized steel service lines. Hr'g Tr. 124:17-23, ECF No. 193. Importantly, the City's excavations at homes for which City records indicate full copper service lines have uncovered, in almost all cases, full copper service lines. 2d Suppl. Woods Decl. ¶¶ 4, 5.


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If the City continues down this path, service lines that the City's records do not indicate are fully copper will remain unexcavated, and in service, when the City completes its 18,000th excavation. We cannot imagine that this is in the City's interests, since the misdirection of state funding guaranteed under the Agreement toward excavation of full copper service lines will leave many lead and galvanized steel service lines, and many service lines of unknown composition, unexcavated and in the ground well past 2020—and many Flint families in harm's way in the meantime.

The City's present approach violates the Settlement Agreement and is inconsistent with the parties' intentions in executing it. *See, e.g.*, Settlement Agmt. ¶¶ 15, 20, 29, 33, ECF No. 147-1; *see also id.* at 3; *cf.* City Defs.' Resp. to Pls.' Mot. to Enforce Settlement Agmt. 7, ECF No. 157 (referring to replacement of all lead and galvanized steel service lines in Flint as the Agreement's "main purpose"). Plaintiffs are available to meet and confer with the City to discuss this matter on Thursday, October 4, between 11:30 am and 2:30 pm ET.

Sincerely,


Dimple Chaudhary

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