

Suburbs face legal struggles to wrest water board control

By TOM LONERGAN

Smarting from several years of rate hikes, most suburban communities would like to have a say in the operation of the Detroit sewer and water system.

Oakland County Drain Commissioner George Kuhn has started a petition campaign to wrest control of the system from the Detroit Water and Sewerage Department. Kuhn anticipates little trouble finding support among suburban customers.

But the petition drive may run into a years-long legal battle with the city of Detroit. That warning came from a Bloomfield Township official last week amid unanimous endorsement of the regionalization effort by more than 20 representatives of county cities and townships at a meeting in Pontiac called by Kuhn.

THE PETITION can't be circulated until its wording is approved by the Michigan Secretary of State's office and Attorney General's staff.

The Detroit department has more than 100 community water customers and 70 sewerage customers, stretching to Genesee County.

If approved by voters, the ballot proposal would change the state Home Rule Cities Act to allow replacement of the seven-member Detroit Board of Water Commissioners, which is now appointed and removable by Mayor Coleman Young. The new structure would work like this:

A "Metropolitan Council" composed of one representative from Detroit and one from every water and sewer customer government would meet annually. It would review water and sewer rates, approve expansion plans and appoint a nine-member "Regional Water and Sewer Commission."

The Regional Water and Sewer Commission would replace the present seven-member Detroit water board. Three of the nine members would be Detroiters and six from customer governments. The regional commission would actually operate the water and sewer plants, hiring and firing the department director and hiring personnel.

Detroit would control only its own retail service to and billing of Detroit householders and businesses.

KUHN HOPES 300,000 people will sign the petition by next May 15. If they do, the petition will be placed on the state November 1980. A bill proposing the same changes as the petition will be introduced in the Michigan Legislature by State Reps. Richard Zsler, R-West Bloomfield, John Bennett, D-Redford, Robert Law, R-Livonia, and others, Kuhn said.

If the legislature didn't act on the Fessler bill or the petition, it would be forced to put the question on the ballot. The same method was used in 1976 to win adoption of the "bottle bill."

THERE WAS little discussion of the proposal at Kuhn's meeting, save for Bloomfield Township Treasurer Fred Korzon's prediction that Detroit wouldn't let the system be taken over without a court battle.

Korzon said, "They're not going to take that (the treatment plant) from Detroit without some compensation. It's a little bit of a dream to think they can."

"They've left Detroit with the water mains and sewer lines in Detroit proper, that's all," Korzon added. He said he agrees with the concept of regionalization but predicted "seven to eight years of litigation" to regionalize the Detroit system.

Robert Fredericks, Kuhn's deputy, also expects a legal challenge from Detroit. The proposal wouldn't change ownership of the treatment plant, Fredericks said.

The thrust of the referendum, he said, would be to provide that "policy decisions and control over the water sale (sewer and water) system would be shared."

"This regional commission is not interested in the maintenance and operation of the Detroit internal system per se."

Kuhn added: "We've skirted that question (ownership of the plant). We're talking about user charges. We're not talking about their plant."

While Detroit officials say the city "owns" the plant, Kuhn replies that the city is not the sole owner of the plant "because of federal money that has gone into the plant for years."

IF IT LANDS on the ballot, the water and sewer regionalization question would be decided by voters statewide. The proposed changes, however, would limit the creation of a regional sewer and water authority to systems that serve more than 25 percent of the state's population. Detroit is the only system that meets that criteria.

"This is not an overreaching action," Kuhn said after the meeting. "I think it's long overdue."

Legislation changing the makeup of the Detroit water board is pending in the state Senate.

The House last month passed Rep. Bennett's bill, which would allow Mayor Young to appoint five water board members. The remaining four would be selected by suburban communities.

Detroit legislators remain steadfastly against the Bennett bill. Kuhn hopes his regionalization campaign may change their minds.

"Maybe Detroit won't fight 5-4 on the board knowing what's coming later. But that's up to Coleman Young to decide," Kuhn said.

The Bennett bill "doesn't accomplish the goal and mission we're interested in," Kuhn said, but it's moving in the right direction.

The bill would remove Young's ability to fire members of the water board. The current seven-member board includes three suburban representatives who are appointed and can be removed by Young.

OAKLAND AND MACOMB counties are challenging sewer and water rate increases scheduled to take effect Jan. 1. The increases in the wholesale price range from 38 to 60 percent for suburban homeowners.

Detroit sewer and water officials say the increases are necessary to make the sewage treatment plant comply with federal clean water standards. The city is under a federal court order to improve the treatment plant.

Its suburban municipal customers joined the lawsuit after protesting a series of rate hikes several years ago. They have argued that the plant is mismanaged and that the rate increases are higher than required to improve the plant.

Suburban officials claim Detroit's residency requirement prevents water and sewer officials from hiring the best technicians for the plant.

Nineteen companies have formed the Food and Allied Industries Committee of Metropolitan Detroit to challenge the latest rate increases. The increases range from 158 percent to more than 400 percent for some firms, the group says.

Federal Judge John Feikens is expected to hear the counties' and industry group's challenges before the end of the year.

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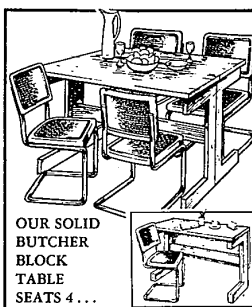
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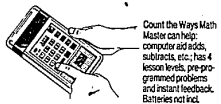
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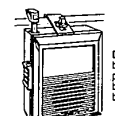
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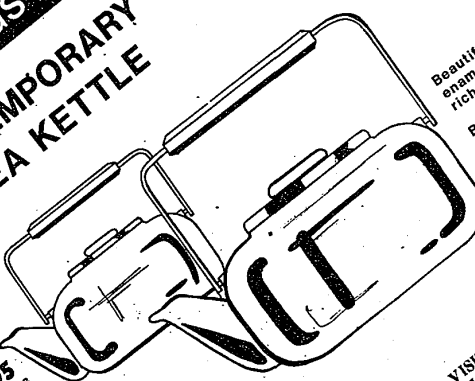
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