

**Implementation: Or, How Can Two Cities in Michigan Help Illustrate the Problem
with Paying Too Much Attention?**

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Abstract

In the realm of public policy, getting policy enacted is only half the battle. Policies must be then be implemented to ensure an actual effect similar to the policymaker's intent. But what happens when the policies diverge too far from the intended result? This is a problem that has occurred in the State of Michigan. There is a state law in Michigan that allows for the governor to appoint an Emergency Manager to cities that are under extreme financial distress. Flint and Detroit were two Michigan cities that had Emergency Managers appointed to them, and both suffered from water crises poorly implemented policies. My research relies upon expanding the research of May, Workman, and Jones (2008) with regard to governmental organizational attention to issues. Their research is similar to the situation in Michigan because the Emergency Managers were narrowly focused on solving one issue and it led to gaffes in policymaking and failed responses to other factors outside the scope of solving the financial crises that existed in both cities. As a result, the Emergency Managers exacerbated the financial crises and created many other issues for the cities. This begs the question, is the Emergency Manager law in Michigan actually effective at implementing policy?

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Chapter 1—The Problem

If I told you that a developed country in the world could not provide clean water to its citizens, would you guess the United States? Two cities in Michigan have been unable to provide clean water for their residents, Flint and Detroit. Flint and Detroit's inability to supply their populations with clean water differ in many aspects, the key one being how the water is being deprived. In Flint, the water became toxic to drink. In Detroit, water lines are being shut off. Further explanation of each city's disasters will be elaborated in greater detail in the proceeding chapters. But for the purposes of this chapter, a short summary of each water crisis will be provided.

Flint enjoyed great economic success throughout the early twentieth century thanks to the automobile industry. However that would all change following the decline automobile industry's presence in Flint, resulting in a subsequent population drop. As the years progressed, Flint made attempts to revitalize its economy to replace the automobile industry's influence but their attempts resulted in an increasing debt. In 2002 and 2011, under Michigan's Emergency Manager law, Governor Rick Snyder was given the authority to appoint an Emergency Manager to the City of Flint. The Emergency Manager's goal, under Michigan law, is to relieve the city they have been appointed to from economic distress. They achieve this goal by unilaterally passing policies that cut costs for the city and reduce its deficit. During Flint's 2011 financial crisis, Flint's Emergency Manager made the decision for Flint to change its water supply from Lake Huron to the Flint River. The change was intended to be a cost saving measure for the City of Flint. The usage of the Flint River was only meant to be temporary; as the City of Flint planned on using the Karegnondi Water Authority pipeline once construction on it

was completed (Adams, 2014). But the temporary fix turned into a long-term disaster. The water from the Flint River began leaching lead from the lead pipes because the water was not treated with proper corrosion controls, had a lower pH (more acidic), and had a high concentration of chlorine (Torrice, 2016). In addition to leaching lead, it also corroded the iron pipes it traveled through, causing the water to have a bad taste, odious smell, and may have stimulated the growth of pathogens like *E. Coli* and *Legionella* in the water (Torrice, 2016). The result of the switch was that the water from the Flint River became tainted with heavy metals, specifically lead. The city quietly suffered from a poisoned water supply for almost a year. The research of a research team from Virginia Tech University uncovered the widespread heavy metal contamination of the water supply throughout the City of Flint. The fallout from the Flint Water Crisis has resulted in criminal charges brought against members of various state organizations and was one of the worst manmade environmental disasters of the twenty-first century. Flint has made national headlines for all the wrong reasons since 2015 and has cost the City of Flint, the State of Michigan, and the federal government billions of dollars to attempt undo the damage done by the switch.

The City of Flint is not the only Michigan City to fail to provide clean water; the City of Detroit is also guilty of failing to provide clean water. Detroit's fleeting population and the departure of the automobile industry helped the city accrue nearly eighteen billion dollars of debt (Pinho, 2013). Michigan Governor Rick Snyder used his power under the Michigan Emergency Manager law to appoint Emergency Manager Kevyn Orr to help the City of the Detroit. Kevyn Orr recommended that the City of Detroit file for Chapter Nine bankruptcy. Once the City of Detroit filed for bankruptcy it

became one of the largest municipalities in the United States to file for bankruptcy (Garvey 2014). As part of Kevyn Orr's recovery plan for Detroit, there was a contract signed to help reduce the massive debt incurred by the Detroit Water and Sewage Department. A new water authority known as the Great Lakes Water Authority came into existence and pledged to take on the Detroit Water and Sewage Department's massive debt, in exchange for use of Detroit's infrastructure (Sabourin, 2014). While this program was necessary in reducing Detroit's debt, it resulted in a water shutoff plan. The plan shut off service to the residents of Detroit who had outstanding debts on their accounts to the Detroit Water and Sewage Department. The shutoffs were done quietly, and when residents of Detroit discovered their water was shut off they sought relief from US Bankruptcy Judge Steven Rhodes. Rhodes ruled that the shutoffs were legal, because access to clean water is not a constitutional guarantee (Devitt, 2014). To help those affected by the shutoffs the Great Lakes Water Authority has a policy in place in order to accommodate those who cannot afford their water bills (glwater.org). But the shutoffs have persisted through 2017 and look to continue through 2018 (Ferretti, 2017).

However, the bigger problem with the shutoffs and Detroit in general is that the bankruptcy plan is being seen as a success. In an article from The New York Times' travel section, Reif Larsen writes of a Detroit that is thriving after a lengthy battle with bankruptcy (Larsen, 2017). Larsen et al. writes about the plans to improve Detroit's highways, the structural reimagining of blighted buildings, the return of jobs to Detroit, and the cultural experiences available in the new Detroit. He advocates for his readers to visit Detroit, and the overall tone from his article written in November of 2017 conveys a hopeful optimism for the future of Detroit. Larsen et al.'s attitude is not uncommon, as

Kevyn Orr's efforts have most definitely rewarded the downtown area of Detroit. But research performed by Reese, Eckert, Sands, and Vojnovic has exposed a growing disparity between Detroit's downtown and midtown areas as compared to the rest of Detroit. The results of their research suggest that Detroit's bankruptcy recovery is not as successful as it is perceived to be and seems to be more of a temporary fix rather than a permanent solution.

With all of the difficulties these two cities have faced, it begs the question of how they became financially distressed in the first place. Flint and Detroit fell victim to the automobile industry leaving their regions, which resulted in population declines in each city. Flint's population dropped by fifty-six thousand from 1960 to 1990 (census.gov) and Detroit's population declined by eight hundred and twenty-one thousand from 1950 to 1990 (census.gov). These population declines were detrimental to Flint and Detroit's economies, as more people left the cities there was less tax money flowing in to support the cities financially. Pension funds would become a major glut of the scarce city funds, and as a result infrastructure in both Flint and Detroit began to deteriorate, due to a lack of funds for maintenance. It is important to note that there are other factors that contributed to Flint and Detroit's financial crises but they will be discussed in subsequent chapters.

I believe that much can be learned from the Flint and Detroit stories with regard to how implementation of public policy has been affected by Michigan's Emergency Manager laws. Both Flint and Detroit had Emergency Managers that enacted policy in order to ameliorate the financial crises present in each city. But Flint and Detroit have suffered and will continue to suffer because of the failure to foresee the possible

roadblocks to achieving successful implementation of the Emergency Managers' policies. My research seeks to discover whether or not the Emergency Manager law is the cause of the implementation failures in both Flint and Detroit. But before I begin discussing my hypothesis, I must first discuss the State of Michigan's Emergency Manager law.

Michigan's Emergency Manager Law

In 1988, the Michigan State Legislature passed a law known as Public Act 101 (PA 101) in response to the economic recessions of the 1970s and 1980s and the City of Ecorse, Michigan filing for bankruptcy. PA 101 required local governments to notify the State of Michigan if they began to experience periods of financial stress, the state could then appoint an emergency financial manager to manage the troubled cities' finances (Hawthorne, 2017).

In 1990, PA 101 was replaced with Public Act 72 (PA 72). PA 72 gave the Governor of Michigan the ability to allow local emergency financial assistance loan boards to appoint Emergency Financial Managers (Hawthorne, 2017). PA 72 also specified what actions by a city would enable state intervention in municipalities. Failures to service debt, pay payroll, or contribute to pension plans are some of the acts that would constitute assignment of an Emergency Financial Manager. The Emergency Financial Managers under PA 72 had the power to hire and fire city employees, renegotiate labor contracts on behalf of the city, alter the arrangement of city departments, modify the budget, sell city-owned assets, and initiate Chapter Nine bankruptcy (Clark, Gorina, 2017).

In 2010, *Adams v. Bobb* challenged the legality of the Emergency Financial Manager's power. The Emergency Financial Manager in that case was establishing academic policies and curriculum. The court held that the role of setting academic policies and curriculum rested within the school board. In response to *Adams*, Michigan passed Public Act 4 (PA 4). PA 4 changed Emergency Financial Managers into Emergency Managers and gave them even more authority by augmenting their power "from local fiscal matters to encompass every issue area facing a municipality or school district that could touch upon finance" (Hawthorne, 2017). Michigan residents were angered by the new provisions of PA 4 and garnered enough support for a referendum vote on PA 4. In November of 2012, voters struck down PA 4 (Hawthorne, 2017).

Nearly a month after PA 4 was struck down, the Michigan State Legislature passed Public Act 436 (PA 436). PA 436 granted almost the same powers as PA 4, but gave cities more options when addressing their financial crises. Clark et al. describes the four options: "[cities] 1) could enter into a formal agreement with the state to take prescribed actions that rectify the emergency, 2) accept an emergency manager appointment, 3) agree to mediation with creditors, or 4) file for bankruptcy". PA 436 also allowed for more instances where state financial review could occur including:

"A failure to comply with a state-ordered deficit elimination plan, a violation of local budgeting rules, a very low credit rating, a petition of citizens or local elected officials, a severe budget deficit, or any other condition threatening the city's fiscal stability as determined by the State Treasurer" (Clark et al., 2017).

PA 436 was the law that allowed Governor Rick Snyder to appoint Emergency Managers to both Flint and Detroit during their financial crises.

Clark et al. (2017) researched three Michigan cities that came under control of Emergency Managers: Hamtramck, Highland Park, and Ecorse. Their research yielded

three results. The first being that there is a benefit to having an appointed Emergency Manager make hard financial decisions that are perceived as unpopular for politicians to make. However, the temporary nature of the role of Emergency Managers makes it crucial for politicians to continue to maintain those hard financial decisions, and if they do not do so the city's financials go right back to where they started. Second, fiscal management in volatile economy "requires professional staff committed to lasting institutional change", meaning the staff who takes control after the Emergency Manager leaves must be willing to continue to uphold the enacted policies (Clark et al., 2017). Third, the Emergency Managers can improve their city's long-term financial situation, but "[it] depends in part on [the Emergency Manager's] ability to jumpstart local economies" (Clark et al. 2017). Clark et al.'s (2017) research concluded that Emergency Managers tend to implement policies that only promote short-term financial recovery. Unless the cities transform those short-term fixes into long-term solutions, then "emergency financial management is a lost window of opportunity to break their path of dependence" (Clark et al., 2017).

Clark et al.'s (2017) research highlights a fatal flaw of the Michigan Emergency Manager law. In order for the law to be effective, the Emergency Manager would need to stay in control of their city long after the city's financial situation has improved. Unfortunately, the Emergency Manager is tasked with going into a city and cutting costs to reduce deficits as swiftly as possible. The temporary nature of the Emergency Manager does not afford itself the opportunity to ensure that the enacted policies are correctly implemented. Much like how a traveling circus packs up and leaves town on a weekly basis, Emergency Managers are placed under similar time parameters. In doing so, they

hand the reins of financial decision making back to politicians. The same politicians who the State of Michigan thought would be unable to make the difficult policy decisions regarding finances are now expected to maintain those same difficult policies enacted by the Emergency Managers. The result is, as one would expect, the failure to continue implementing said policies.

Home Rule vs. Dillon's Rule

To understand how the policies enacted by the Emergency Managers in Flint and Detroit produced such undesirable results we must, for lack of better terms, follow the policies upstream. By following the policies upstream, I mean that we must observe the federal, state, and local governments' relationships with each other during the time of the crisis. While the role of the federal government is crucial in the federalist structure of government, the relationship between the state and municipality is of much more importance to this research.

The framers of the Constitution focused on making a federal system consisting of a federal government with enumerated powers, and state governments with powers vested in them that are not possessed by the federal government. However, the Constitution makes no mention of the powers enumerated to municipal governments (Russell, Bostrom, 2016). The Constitution does mention that the states will have jurisdiction over local matters. Throughout the early days of our Union, the issue of powers granted to municipal governments would be resolved. Now, a city's power is defined in one of two ways. A city can be either Home Rule city, or Dillon's Rule city. It is important to note however, that the state chooses whether they will be a Home Rule or Dillon's Rule state.

Michigan gives cities the option to adopt charters and become Home Rule cities, but limits them in some capacity using Dillon's Rule (Green, 2013).

It is important to understand what the Home Rule and Dillon's Rule are. A city that declares itself a Home Rule city in its charter is allowed to govern itself in areas where the federal and state governments do not operate and are not bound by Dillon's Rule (uslegal.com). The abilities of a Home Rule city include:

“[choosing] their own form of municipal government, [choosing] between a large or small city council, [fixing] the terms of office of council members, [deciding] on the method of election of the Mayor, [providing] for creation of more boards and commissions which they feel is essential for proper city functioning” (uslegal.com)

In contrast, a Dillon's Rule city gives the state full authority to control local governments that become reckless or uncooperative. Also, Dillon's Rule provides the state with the ability to establish uniformity amongst its cities with regard to laws, tax codes, and licensing policies (Russell et al. 2016).

Flint and Detroit are both Home Rule cities under the Home Rule City Act of 1909. Because of their status as Home Rule cities, it follows that Flint and Detroit would naturally oppose the Emergency Manager law because it provides the ability for the state to seize control of a self-governing city. But Michigan, being both a Home Rule and Dillon's Rule state, is well within its right to enact the law under Dillon's Rule, especially after years of financial debts had been incurred by both Flint and Detroit. But animosity between the city and state still exists with regard to the Emergency Manager law, despite its legality. Take for instance the referendum vote that struck down Public Act 4. Michigan residents were outraged at the broad powers granted to the Emergency Managers under the new act, and yet the law still exists just with a different name

(Hawthorne 2017). If the residents of Michigan felt so strongly against the Emergency Manager law, then it can be reasonably inferred that they still disapprove of the Emergency Manager in some way. If they still house animosity toward the Emergency Managers and their policies it would prove to be detrimental to the continued implementation of the policies enacted by Emergency Managers, which are to be carried on by elected officials. Thus resulting in the cities reverting back to their original financial struggles.

This relationship between the State of Michigan and its cities illustrates the problem of implementing policies enacted under the Emergency Manager law. The state, using the Emergency Manager as its agent, is too focused on helping the city recover financially that it fails to see relevant issues surrounding the financial crisis that a city is suffering from. The city is often times complacent with the policy changes being made to save the city money, but those changes are often times not implemented after the Emergency Manager leaves. The reasons for not implementing policy could be feelings of resentment of the Emergency Manager law by the city or because of reluctance to continue to tighten the purse strings by elected officials. The result is usually the same unfortunately, as the city often returns to financial distress. The question remains, what is causing this constant failure in implementation by Michigan's Emergency Managers?

Organizational Attention to Issues Causes Implementation Failure

While the temporary nature of the Emergency Manager under PA 436 is one reason why policies enacted by Emergency Managers tend to fail in Michigan, I believe there is a greater force driving the inefficiency of the Emergency Managers in Flint and Detroit. May, Workman, and Jones (2008) have studied the organizational attention of public bureaucracies. Their research centered on the effects of public bureaucracies delegating authority or centralizing authority in the organization of attention to issues. Their research on the federal Department of Homeland Security aligns itself with the position of the Emergency Manager in Michigan, and shows that an organization with specialized attention to an issue tends to fail to achieve their goal and often times makes the situation they are trying to resolve worse off than when they started.

What May et al. (2008) discovered was that there was a paradox that existed within issue attention when authority was centralized. They studied the Office of Homeland Security (OHS) and the Department of Homeland Security (DHS) and their response to the increased threat of terrorism post 9/11. The Bush administration focused heavily on the issue of terrorism after the events of 9/11, thereby forcing the OHS and DHS to focus their attention solely on the issue of terrorism and how to prevent it. But due to the centralized nature of the DHS's attention to the issue of terrorism, the DHS had "overloaded the circuits at the top" (May et al. 2008). As a result, the DHS failed to provide attention to other programs unrelated to preventing terrorism and was in part the cause of the failed response to Hurricane Katrina in 2005. Also, the centralization of attention in the DHS "fostered oscillation in grant programs, distrust among intergovernmental partners, and meddling from above", which resulted in weaker

homeland security policy during this time. While a centralized approach to policymaking may seem desirable, May et al. (2008) disproved this by showing that centralized approaches can lead to “poor organizational performance with respect to both the focal agenda item and other on-going tasks that are largely ignored” (May et al. 2008, 538). May et al. (2008) also acknowledges the fact that “overloaded circuits can occur in large agencies or small ones or in multifunction agencies or single function agencies” (May et al. 2008, 538).

Applying the research of May et al. (2008) to the Emergency Managers in Flint and Detroit provides strong evidence that organizational attention to one specific issue caused a failure in implementation of policy meant to aid Flint and Detroit. Instead of helping, these failures in implementation have resulted in a catastrophic public health crisis for Flint, and a denial of basic human necessity in Detroit. Michigan’s Emergency Manager law is one that promotes a strong and centralized role for the Emergency Managers, with focus on only one issue: getting a city out of debt. Thus, the Emergency Manager position almost perfectly parallels the OHS and DHS from May et al.’s (2008) research.

Implementation

The issue of implementation has plagued public policy long before Flint’s water crisis and Detroit’s bankruptcy. Pressman and Wildavsky illustrate the strife between federal policy writers’ expectations versus reality in their book *Implementation*. *Implementation* chronicles the efforts of the Economic Development Agency’s (EDA) failed attempt to promote economic opportunities in the City of Oakland. Initially, the

EDA had plans to develop the area and to provide jobs for the poverty stricken Oakland. Unfortunately, the EDA's plan failed because they encountered unforeseen issues that bogged down progress and ultimately lead to the project's demise. Similar to Flint's Emergency Managers, the EDA wanted to do good things for the City of Oakland but wound up leaving behind unfinished buildings, and a barely increased employment rate as monuments to their failure.

In *Implementation*, Pressman and Wildavsky argue that implementation of public policy cannot have too many moving parts. That is, public policy cannot require the cooperation of too many governmental organizations as it becomes increasingly difficult to temper expectations of each and reach an adequate meeting of the minds regarding what is to be expected of each. The EDA's proposed policy in Oakland depended on the cooperation of multiple government agencies at the federal, state, and local levels. As the project wore on, the agencies involved became increasingly reluctant to cooperate with each other.

The same reluctance to cooperate occurred in Flint. In Flint, former Mayor Dayne Walling failed to address the complaints of the residents of Flint and downplayed their claims that their water was toxic. The Michigan Department of Environmental Quality failed to properly inspect the Flint River's toxicity, which resulted in their failure to provide clean drinking water to Flint. The Environmental Protection Agency failed to examine the activities of the Michigan Department of Environmental Quality during a shift in water sources of a large municipality. Detroit, however, had a greater incentive to cooperate because refraining from doing so would cause creditors to descend upon Detroit and collect their debts. But, in cooperating with the centralized goal of financial

recovery for the City of Detroit, government officials inadvertently failed to cooperate with each other in discussing possible remedies for those afflicted by water shutoffs by the Detroit Department of Water and Sewage.

The Michigan Emergency Manager law is much like the Oakland project in *Implementation*. Both try to implement policies that will benefit financially stressed areas. But good intentions only get you so far in implementing policy. Both cases also illustrate the dangers of focusing efforts too aggressively on achieving one goal. When this occurs, it leads to the failure to include other relevant issues when implementing policy. This failure is what has led to abandoned projects in California, poisoned water in Flint, and no water in Detroit.

Moving Forward

In the proceeding chapters there will be a summary of the events of Flint and Detroit. Both chapters will have extended timelines of both Flint and Detroit's financial histories, detailing how they went from being successful cities to what they are today. Chapter two will discuss Flint's issues, and chapter three will discuss Detroit's issues. In the fourth and final chapter will address various topics that have arisen after investigating the Flint and Detroit stories.

Chapter Two—Flint

Flint is a city located in the State of Michigan. As of 2015, Flint had a population of 99,802 comprised of 54,736 African Americans, 36,987 Whites, and 3,719 Hispanics (DataUSA, 2015). Flint is located in the “Rust Belt” of the United States. The “Rust Belt” includes Wisconsin, Illinois, Indiana, Michigan, Ohio, and Pennsylvania and gets its name from the fact that it was the industrial epicenter for the United States. But after industries began to deindustrialize in favor of cheaper labor internationally, numerous factories in the Rust Belt began to rust both figuratively and literally because of their disuse, hence the region’s name (Gale, 2015). Flint was one of the cities in this region that suffered greatly from the closing of automobile factories, as their economy relied almost entirely on the automobile industry.

William C. Durant founded General Motors in 1908 and headquartered the company in the City of Flint. What followed were almost seventy years of economic prosperity in the city and the abundance of unskilled labor opportunities lead to the growth of Flint’s population. “In 1978, over 80,000 Flint-area residents were employed by GM. By 1990 the number of employees decreased to 23,000. It was reported to be as low as 8,000 in 2006” (Scorsone, Bateson, 2011). Also, Flint’s African American population increased during the time General Motors had maintained most of its factories in Flint. “From 1941 to 1945, GM’s African-American workforce in the Flint area doubled. Likewise, between 1940 and 1960, the city’s black population grew to over thirty thousand” (Highsmith, 2009, pg. 180). Highsmith et al. (2009) writes, “During the 1970s and 1980s, [General Motors] slashed nearly forty thousand local jobs” resulting in a population drop in the city of twenty percent. Also property abandonment and mortgage

defaults reached an all time high around the time General Motors began removing their factories from Flint (Highsmith 2009, pg. 592). General Motors' departure from the city in the 1980s prompted city officials to begin searching for options to fill the economic void left by General Motors to mitigate the inevitable economic fallout.

When General Motors began closing factories in Flint, the main source of income for most of the city's residents began to vanish. City officials realized this and tried to create programs that would stimulate economic development in Flint. The goal was to fill the void left by General Motors and diversify Flint's workforce. The plans included developing a tourism industry, tax abatements, and infrastructure improvements for Flint. (Lord, Price, 1992)

The tourism industry for Flint was developed in order to diversify Flint's workforce. It was chosen because of Flint's inability to draw interest from investors due to its high wage base, reputation as a strong union town, and its long history of labor disputes (Lord, Price 1992). The City of Flint, in conjunction with the Mott Foundation, began to redevelop the downtown area of Flint by building a luxury hotel, urban theme park, and two upscale marketplaces (Lord et al., 1992).

The Hyatt Hotel opened in 1979 and cost approximately thirty million dollars to build. It was built in downtown Flint along the waterfront. But this venture seemed doomed from the start as both a less expensive Holiday Inn and an older luxury hotel named the Durant Hotel had already failed to stay in business in Flint. The misfortunes of both hotels would indeed befall the Hyatt, as it would declare bankruptcy shortly after opening its doors (Lord et al., 1992).

Another venture to stimulate economic growth by the City of Flint was to open AutoWorld. AutoWorld was an eighty million dollar urban theme park that was built in Flint and opened its doors in 1984 (Lord et al., 1992). However, the novelty of a theme park that celebrated the automobile could not generate enough interest among tourists to be profitable. In December of 1984, AutoWorld would restrict the days it was open to only weekends (Highsmith, 2009). AutoWorld would go completely bankrupt two years later, permanently closing its doors and almost bankrupting the City of Flint in the process (Lord, et al., 1992).

In addition to the Hyatt and AutoWorld, Flint also commissioned two major retail projects: Windmill Place, and Water Street Pavilion. Windmill Place was a relatively cheap project to build in comparison to the other projects at almost four million dollars. It was supposed have a pharmacy and a supermarket, but no business was interested in Windmill Place so they leased the office space to none other than General Motors. Water Street Pavilion cost twenty-nine million dollars to build and was meant to be similar to festival marketplaces that James Rouse had built in numerous US cities (Lord, Price, 1992). Just like the Hyatt and AutoWorld, Windmill Place and Water Street Pavilion would similarly succumb to bankruptcy and shut down (Highsmith, 2009).

Flint's failed attempts to revitalize both its downtown center and its workforce were crushed with the failure of the Hyatt, AutoWorld, Windmill Place, and Water Street Pavilion. Lord et al. (1992) states, "approximately 1,300 jobs were promised by these projects, yet fewer than 400 of those exist today" and that the total amount spent on these projects and other tourist developments "exceeded \$200 million". Much like the failed project in Oakland that Pressman and Wildavsky highlight in their book *Implementation*,

the City of Flint's attempts to stimulate job growth and create a new, bustling tourism industry failed and cost the city millions in the process.

Flint's financial woes do not stop at their failed attempt to create a tourism industry. Flint also attempted to keep General Motors in Flint by offering tax abatements and infrastructure improvements, with the hopes that these would entice other businesses to Flint and create jobs. Tax abatement processes are ones that in which the taxes on investments in industrial facilities are excluded under the agreement that said industrial facilities will create/retain jobs during the time in which the taxes are abated (Lord et al., 1992). General Motors agreed to the terms of the tax abatement proposal from the City of Flint and invested three hundred million dollars to build Buick City.

Buick City was an automobile manufacturing plant that combined Buick plants and a part of the St. John Industrial Park in order to centralize manufacturing and followed the just-in-time production strategy (Highsmith, 2009). The just-in-time automobile production strategy was created in Japan and focuses on ordering parts, as you need them. For example, if you were to receive an order for a new Buick, the factory would spring into action and receive enough material to make that one Buick. The City of Flint was optimistic that Buick City's demand for parts would incentivize their suppliers to move to Flint as well, creating even more jobs in the process. Interstate 475 would have to be completed so that materials could be transported easily to Buick City, so the City of Flint thought their infrastructural improvements would attract suppliers for Buick City (Highsmith, 2009). However, despite suppliers purchasing land near Buick City, many of General Motors' suppliers did not relocate to Flint because of the ease of access that Interstate 475 provided to Flint (Highsmith, 2009). Without the relocation of General

Motors' suppliers to Buick City, production could not be fully recentralized to Buick City, which resulted in layoffs of Buick workers a year after it opened. In November 1997, Buick City would officially close its doors for good (Highsmith, 2009).

Buick City's failure not only dealt a devastating blow the City of Flint's workforce, but it also created huge financial losses for Flint. According to Lord et al. (1992), Flint's abatement for General Motors has led to approximately forty million dollars lost in taxes for Flint. When you combine this loss in tax revenue with the job loss incurred with building and shutting down Buick World, it would almost certainly spell disaster for a city. But when you add the failures of the Hyatt hotel, AutoWorld, Windmill Place, and Water Street Pavilion, it becomes clear how Flint was faced with a large deficit by the outset of the millennium. What would then follow was the State of Michigan's takeover of Flint for the first time.

The Emergency Manager law in Michigan allows the state to "review local governments to identify fiscal stress, and in extreme cases, the state might itself appoint an emergency financial manager" (Hohman, 2012). If an Emergency Manager is appointed, it then becomes the Emergency Manager's task to rectify the financial emergency in the municipality he or she is assigned to using any means necessary, and has the authority to declare bankruptcy if there are no viable options left (Snyder, Dillon, 2011). Since the Emergency Manager law passed in 1988, Flint has had two instances where the Governor of Michigan appointed an Emergency Manager, once in 2002, and again in 2011.

In 2002, a thirty million dollar deficit loomed over Flint and Governor John Engler declared a financial state of emergency in Flint. In doing so, Public Act 72 of

1990 was activated, allowing for Engler to appoint an Emergency Manager by the name of Ed Kurtz. Kurtz reduced the annual pay of the mayor from one hundred and seven thousand dollars to twenty-four thousand dollars. He also reduced the pay of council members from twenty-three thousand dollars to eighteen thousand dollars, while also cutting health, dental, and vision benefits from city officials. Kurtz then ordered the city Retirement Board to end a pension benefit program that would cut pensions by about 3.7 percent, a decision that would be challenged by the state attorney general on the grounds that Kurtz lacks the authority to change the pension program. Kurtz continued to slash funds to reduce the deficit and by 2003 raised water bills by eleven percent, reached an agreement with the city's largest union to take four percent pay cuts, and designated over one million dollars for infrastructural improvements. Kurtz was making progress during his tenure, trimming the city's deficit from thirty million dollars to approximately fourteen million dollars. In 2004, the City of Flint's Retirement Board accepted proposals that would lower the amount that the city has to pay in pension funds. And in June of 2004, Kurtz recommended that the Governor end the takeover (Mostafavi, 2011). Despite Kurtz's efforts, the city's financial woes would continue through the mid-2000s.

In 2011, it was again recommended to Governor Rick Snyder that Flint should be appointed an Emergency Manager. Snyder would appoint Flint's former interim mayor Michael Brown to be the new Emergency Manager. Brown fired several City Hall appointees and eliminated the pay for both the mayor and city council. Brown would face legal issues, however, as a temporary restraining order would handcuff Brown and prohibit him from assuming his duties as Emergency Manager until further notice. But the temporary restraining order was lifted and Brown resumed his duties as Emergency

Manager, and adopted a budget plan for 2013 that included one hundred layoffs of city employees. Yet, Brown would encounter another legal issue, as Public Act Four was suspended. The suspension forced Brown to step down because his previous tenure as Flint's mayor prohibited him from being Flint's Emergency Manager. Ed Kurtz was appointed to fill in for Brown during his absence, and appointed Brown to the position of city administrator. In 2012, Public Act 436 was enacted and allowed Kurtz to remain Emergency Manager of Flint. Kurtz resigned as Emergency Manager on July 3rd, with Brown being appointed again by Governor Snyder to replace Kurtz. On September 11th Brown resigned and Governor Snyder named Darnell Earley as the new Emergency Manager (Adams, 2013). Earley appointed a new police chief for Flint, and was focused on trying to cut pension costs for the City of Flint (Schuch, 2015). Earley stated that "if we have no ability to mitigate the cost of retiree health care, that's going to make it very difficult for the city to remain financially stable over the next few years" (Bloomberg News, 2014). Earley was also the city manager that oversaw Flint's water source switch from Lake Huron to the Flint River (Adams, 2014). In January 2015, Governor Snyder appointed Earley as the Emergency Manager for Detroit's Public Schools. The final Emergency Manager appointed to Flint would be Jerry Ambrose, and he would be the Emergency Manager who would oversee Flint when its water crisis began.

The Water Crisis

According to Michigan's former state treasurer, Robert Kleine, Flint's water crisis actually began years ago when deindustrialization and a lack of state public support for its cities created the financial difficulties that would ultimately cause Flint to change their

water supply (Kleine, 2016). Kleine et al. (2016) says that Flint's per capita tax base (per capita tax base is the taxable value of all property divided by the population of the city) is too low. Because Flint's per capita tax base is too low, Flint will continue to face financial issues no matter what the Emergency Managers of the city enact (Kleine 2016).

In addition to Flint's issue of having too low of a per capita tax base, Flint's pension benefits for its residents also contributed to Flint's water crisis. The population in Flint around the 1960s was approximately 200,000, but today Flint's population is 99,802 (Neff, 2016). When this population drop is combined with the fact that Flint has been in a state of financial emergency since 2002, Flint's tax revenues dropped (Neff, 2016). However, the pensions of former workers have not been restricted. According to Neff et al. (2016), if you added all of Flint's spending together in 2015, retirees accounted for twenty percent of all spending. When city manager Michael Brown attempted to slash pension benefits in 2011, the retirees retaliated and sought relief from the Michigan courts. But the Michigan courts ruled that Flint was allowed to cut the retirees' pension benefits because of the city's financial situation (Neff, 2016). While that move saved Flint approximately eight and a half million dollars, pensions would still prove problematic, as Emergency Manager Darnell Earley would have to cut pension benefits yet again in order to avoid bankruptcy (Bloomberg News, 2014).

Flint's low per capita tax base and its pension problem caused Flint's Emergency Managers to continue searching for cost-saving measures for the economically dilapidated city. In April 2014, Emergency Manager Ed Kurtz decided to switch Flint's water supply from Lake Huron to the Flint River. While Kurtz made the decision to switch, it was Darnell Earley who was the Emergency Manager at the time the switch

took place. The plan was to use the Flint River as a water source for Flint until the Karegnondi Water Authority pipeline was built (Adams, 2014). In order to make the switch, the Michigan Department of Environmental Quality (MDEQ) was required to examine and test the water to ensure its quality met the levels set forth by the Environmental Protection Agency. MDEQ stated that the water did not need corrosion control, and that they would monitor the water to determine whether or not corrosion control was needed for Flint (Shelson, 2016). A district supervisor for MDEQ's office of drinking water and municipal assistance even stated, "individuals shouldn't notice any difference" (Adams, 2014).

However, after the switch was made, residents of Flint began to complain of their water having a strange smell, taste, and appearance. But no state agency would acknowledge their claims. It was not until September 2015 when a study conducted by Virginia Tech University discovered high levels of lead in children of Flint and revealed the public health catastrophe in Flint. After this discovery was made, Governor Rick Snyder acknowledged the citizens of Flint's plight and promised to administer aid to the city. Governor Snyder's acknowledgement was the first time any Michigan state official had addressed Flint's issue of water quality since their switch from Lake Huron to the Flint River. By the time Governor Rick Snyder declared a state of emergency in Flint, more than ten people died from Legionnaires' disease and more than ninety had contracted the bacterial infection (Bouffard, 2016). Governor Snyder became fully committed to discovering what state agency was responsible for Flint's water crisis by commissioning a task force to investigate (USNews, 2017). The task force revealed that the Michigan Department of Environmental Quality (MDEQ) was to blame for Flint's

water crisis because of their failure to enforce clean drinking water standards set forth by the Environmental Protection Agency (EPA). Also, the task force found that the Michigan Department of Health and Human Services (MDHHS) shared the blame for failing to adequately protect the public health (Davis, Kolb, Reynolds, Rothstein, and Sikkema, 2016).

Despite the efforts by the State of Michigan to resolve this crisis, it seems as though history may repeat itself in Flint. The Flint City Council signed a short-term agreement to continue using Detroit's water system. The reason for taking a short-term two-year deal with Detroit was because Flint's city council balked at the price of the long-term deal to use Detroit's water system. The high price of the Detroit water system was the reason the decision to switch water sources was made in the first place. The city council's focus on saving money will most likely promote a sense of insecurity among the citizens of Flint regarding the drinkability of their water in the coming years. This mistrust manifested itself recently in the form of public outcry when Governor Snyder decided to stop distributing bottled water in April of 2018. With the effects of the water crisis still fully visible throughout the community, the future of Flint's water is still very much in jeopardy (The Detroit News, 2017).

The situation in Flint affords the opportunity to study how policy decisions are made and how they are implemented by single-function government agencies with high attention to one issue. Flint is not the only American city in financial trouble. Detroit went bankrupt shortly before Flint's water crisis occurred, and hundreds of other Rust Belt cities are probably no better off than Flint. Understanding Flint and Detroit is the key to understanding how to effectively implement policy and whether or not it can be done

under Michigan's Emergency Manager laws. It could also be the difference between Flint being an aberration and Flint being a glimpse into many cities' futures.

The Decision

With the Flint Water Crisis making national headlines, Governor Rick Snyder decided to release his emails regarding Flint's water for transparency reasons. These emails afford the opportunity to examine the reasoning behind the decision to switch water sources and not properly treat the water from the Flint River for corrosion controls. Had the water been treated in Flint, it is very likely that the water crisis would not have occurred. The question of whether or not the decision to not treat Flint's water from the Flint River is relevant to this study. Was the decision to not treat the water a result of Emergency Manager policies or the Michigan Department of Environmental Quality's mistake?

Financial relief was one of the driving forces behind the decision to change Flint's water supply. But when the change was made, the decision to treat the water from the Flint River was left to the Michigan Department of Environmental Quality (MDEQ). MDEQ felt confident in not treating the water from the Flint River immediately after the switch from Lake Huron because the Flint River had been established as an emergency source of water for the City of Flint since 2006 (Holland email, 2015). However, rivers and lakes are two very different bodies of water. Deep lakes like Lake Huron do not experience as much organic matter growth as rivers like the Flint River encounter (Murray email, 2015). So reliance on readings of the Flint River performed in the past were done so erroneously, because of the unpredictable nature of the water quality of the

Flint River. Not only that, but MDEQ incorrectly interpreted the Environmental Protection Agency's (EPA) Lead and Copper Rule with regard to treating their water for corrosion control. They believed they could test the water from the Flint River for two consecutive six-month testing periods before deciding to treat the water. But MDEQ misinterpreted the EPA's Lead and Copper Rule, and it was later clarified by the EPA that they should have been treating Flint's water from the moment they switched water sources (Holland email, 2015). The issue was that the policy to switch sources was made for a city with more than fifty thousand residents. But the EPA's Lead and Copper rule requires immediate treatment of water for cities with over fifty thousand residents. But MDEQ was unclear on how to proceed with water treatment because such large switches are rarely done, which led to their misinterpretation of the Lead and Copper Rule and Flint's Water Crisis (Wyant email, 2015). While it is clear the decision to not treat the water was a result of MDEQ's misinterpretation of the Lead and Copper Rule, MDEQ was placed in a situation they had little to no experience in as a result of Emergency Manager policies. The decision to not treat the water was not the Emergency Manager's directly, but it was a byproduct of their poorly implemented policy.

The Issue of Attention

When Flint's emergency manager Ed Kurtz made the decision to switch water sources his main goal was to help the City of Flint financially. When Darnell Earley and Jerry Ambrose took over as Emergency Managers for Flint, they had inherited the process of switching water sources from Kurtz. Earley was the Emergency Manager when the switch occurred, and claimed that it was only his duty to "implement the

previously accepted and approved plan” (Fonger, 2015). Was it Earley or Ambrose’s fault for not ensuring their predecessor’s plan was being implemented correctly and that the water being pumped into Flint’s homes was sanitary? As Emergency Managers, they have the power to implement any policy that will save their city money. But they were so busy shaking the couch cushions for money that they forgot to run the faucet to see what came out.

Applying the discoveries made by May et al. (2008) to Flint’s Emergency Managers, a single-function agency, provides a greater insight into understanding how Flint’s water crisis happened. The Emergency Manager possesses centralized authority in managing the city’s budget, using whatever means necessary. By centralizing the attention of the emergency manager, the State of Michigan “overloaded the circuits at the top”. The Emergency Manager’s concentrated efforts to improve Flint’s deteriorating economy blinded them from any possible negative externalities that may have occurred as a result of the switch. Much like how the OHS and DHS struggled to be prepared for incidents of terrorism and more broadly homeland security (May et al. 2008, 519), the Emergency Managers would fail to reinvigorate Flint’s economy despite their centralized attention to the issue. Earley and Ambrose’s attention to the issue of economic stability would also push public health the periphery, like how the attention afforded to OHS and DHS would be one of the key factors in the failed response to Hurricane Katrina. Earley and Ambrose’s continual efforts to fix Flint’s economy by any means necessary combined with their ignorance to issues unrelated to financial recovery proves that centralized attention to an issue was the first step in the deadly chain of events that caused Flint’s water crisis.

To better understand the issue, consider the human eye. The human eye is a miraculous organ in the human body. When our eyes developed, they had to account for the problem of seeing the world in detail, for if the entire eye was capable of viewing the world in high detail the signals from the eye would overload our brains. A compromise was reached and the cones, the cells in the eye responsible for day vision and the acuity of the eye, would be located in the center of the eye. The rods, the cells responsible for night vision and peripheral vision, would be located around the center of the eye. This compromise allows for humans to have high clarity of vision when they look at something directly, and a lower clarity of vision when objects fall outside the center of the eye, but it has one flaw, the blind spot. The blind spot is the area of the eye where the nerve that connects the eye to the brain exits the eye and is devoid of rods or cones, therefore anything that falls on that part of eye is not detected by the eye (Wolfe, 2015).

The anatomy of the human eye relates to Flint's water crisis because the center of the Emergency Manager's "eye" focuses on Flint's economic crisis. When this happens, public health gets forced into the periphery, which is what May et al. (2008) proved in their research. However, while their research provides an account of the environment that spawned the bad policy passed by the Emergency Managers, it does not explain how the policy actually failed. I believe that the policy regarding the switching of water sources was implemented incorrectly and fell on the blind spot of the Emergency Manager "eye", for they were only worried about what was directly in front of them. Had the policy been implemented thoroughly and effectively, the environmental catastrophe that occurred to Flint's drinking water may have been avoided altogether.

Chapter Three—Detroit

When examining Flint, its water crisis, and my theory regarding how it occurred, I felt as though a second city needed to be examined. In order to test my hypothesis that centralized attention to an issue by a government agency can cause implementation problems in the policy that the government body enacts, a city with a similar environment that could create a policy implementation issue like Flint would have to be chosen. Finding a city to fit the parameters of Flint proved to be challenging. But after careful deliberation I chose the City of Detroit as the city to be compared to Flint in order to strengthen my hypothesis and gain a better understanding of how the Flint Water Crisis happened. I believe that Detroit and Flint share similar characteristics that will aid my analysis of Flint's crisis and perhaps provide some insight on the issues Detroit faces today.

History of Detroit

Located seventy miles from Flint is the City of Detroit. Detroit goes by several names such as "Motor City" and "Motown". The former is due to the fact that three of the largest automobile companies in America: Chrysler, Ford, and General Motors are headquartered in the Detroit area (Palmer, 2012). The latter borrows the name from Berry Gordy's legendary Motown record company, which was founded in 1959 (motownmuseum.org). During the early twentieth century, Detroit was churning out automobiles and number one hits courtesy of the booming automobile industry and the musical talent of Motown artists including, but definitely not limited to: The Jackson 5, The Temptations, and Diana Ross (motownmuseum.org). How then, did Detroit manage

to accrue eighteen billion dollars of debt that caused the city to go bankrupt in 2013 (Pinho, 2013)?

Despite being both a cultural and industrial hub, Detroit began to accrue large amounts of debt through the twentieth and twenty-first centuries. Detroit's financial woes began when the automobile industry began automating their production lines, causing approximately 134,000 manufacturing jobs to be lost between the years 1947-1963 (Garvey, 2014). The automobile industry in 1947 employed 338,400 people in manufacturing jobs (Desan, 2014) and according to estimates by the Southeast Michigan Council of Governments; the projected number of manufacturing jobs in Detroit by 2020 will be 17,225 (semcog.org). Much like how we saw in Flint, when the manufacturing jobs began to leave Detroit, so too did the people. In the 1950s Detroit's population peaked at around 1.85 million (Garvey, 2014), but by 2020 Detroit's population is projected to be 624,673 (semcog.org).

The financial issues caused by the decrease in job opportunity and population persisted over the course of the twentieth and early twenty-first centuries, eventually prompting Governor Rick Snyder to appoint Kevyn Orr as Emergency Manager for Detroit. Orr made the recommendation that Detroit file for chapter nine bankruptcy on July 16th, 2013 (Orr, 2013), making Detroit one of the largest municipalities to declare bankruptcy (Garvey, 2014). In the City of Detroit's Bankruptcy Filing, Governor Snyder writes that Detroit's tax base was unable to provide enough money to upkeep City services. Because City services were so underfunded: approximately forty percent of Detroit's street lights were not functioning, approximately seventy-eight thousand abandoned buildings existed in Detroit, the average wait time of police to respond to calls

was fifty-eight minutes, the unemployment rate had tripled since the year 2000, the homicide rate was the highest it had been in forty years, the city's fleet of emergency vehicles (police, fire, and EMT) were dated and subject to frequent breakdowns, only 8.7 percent of crimes were solved compared to the national average of 30.5 percent, and lastly Detroit had been considered one of the most dangerous cities in America for more than twenty years (Orr, Snyder, 2013).

Chapter Nine Definition

Before I continue in my discussion of Detroit, I feel the need to first define what chapter nine bankruptcy is and what it entails. Chapter nine, title eleven of the United States Code provides a municipality protection from its creditors while it is in the process of developing and negotiating a plan for debt adjustment, which can be achieved by extending debt maturities, reducing amount of interest or principal, or receiving a new loan that refinances the debt (uscourts.gov). Also, chapter nine protects against the liquidation of assets of a city in order to pay their creditors. Eligibility for chapter nine requires a municipality to satisfy five criteria, which Kevyn Orr lays out in his recommendation to seek chapter nine relief.

- “The City must be a municipality, which it is.” (Orr, 2013)
- “The City must be specifically authorized, in its capacity as a municipality or by name, to be a debtor under chapter nine by State law, or by a governmental officer or organization empowered by State law to authorize such entity to be a debtor under chapter nine. PA 436 authorizes the commencement of a chapter nine case by the Emergency Manager upon the Governor’s authorization.”
- “The City must be insolvent. As described herein, it is.” (Orr, 2013)
- “The City must desire to effect a plan to adjust its debts. As described herein, the City desires to, and must, adjust its debts in chapter nine to alleviate its financial emergency and to implement its restructuring plan.” (Orr, 2013)
- “The City also must meet one of four remaining alternate requirements, two of which are particularly relevant here. First, the City is unable to negotiate with

creditors because such negotiation is impracticable for the various reasons described above. In addition, despite the impracticability, the City has negotiated in good faith with the creditors willing to engage in a discussion, but has failed to obtain the agreement of creditors holding at least a majority in amount of the claims of each class that the City intends to impair under a chapter nine plan. For both of these reasons, the City satisfies the final element of eligibility for chapter nine.” (Orr, 2013)

Two days after Orr submitted his recommendation, Governor Snyder approved Orr’s request to file for bankruptcy under chapter nine on July 18th, 2013 citing that bankruptcy under chapter nine was the only feasible option left for Detroit (Snyder, 2013).

Why Detroit?

Why should Detroit be the city that is compared to Flint in order to test the idea that organizational attention to issues causes implementation failures? For starters, both are located in Michigan, and are subject to the same state and federal laws. This is important because it provides the opportunity to examine how the State of Michigan’s Emergency Manager law has operated in both cities. And both have suffered from financial crises that were brought about by a number of similar issues including: departure of automobile industry jobs, decreasing populations due to suburbanization, and rising pension costs.

However, there are differences that exist between Detroit and Flint. Detroit’s population as of 2016 is estimated to be close to six hundred and seventy-three thousand (census.gov), while Flint’s population is estimated to be around ninety-seven thousand (census.gov). Detroit declared bankruptcy out of necessity (Orr, 2013); Flint was able to avoid bankruptcy. Flint had a huge public health disaster, and Detroit has had a seemingly successful recovery from bankruptcy thus far, though later in this chapter it

may seem as though that Detroit's recovery is not as successful as it appears to be. Flint had four Emergency Managers over the course of their financial disasters, while Detroit had one. All of these differences could cause speculation that these two cities are vastly different in how their Emergency Managers handled their financial crises, but one similarity has manifested in both cities that cannot be overlooked, and is critical to my hypothesis regarding organizational attention being the cause of the failure to implement policy, leading to unintended consequences of policy decisions.

Flint and Detroit were both assigned Emergency Managers under Michigan's Emergency Manager law. This is important because the Emergency Manager fits the description of a "single function agency" described by May et al. (2008) because the position was solely created to alleviate financial crises in Michigan cities. Due to their intense focus on one issue, both Emergency Managers in Flint and Detroit enacted policy that was implemented without considering alternate outcomes and resulted in problems for both cities. In Flint, Ed Kurtz approved a change in water source from Lake Huron to the Flint River. We know what happened in Flint, the water from the Flint River was of a different acidity and leached harmful heavy metals such as lead and copper into the drinking water of Flint's citizens. In Detroit, a similar chain of events can be observed with regard to their water.

Detroit's Water Crisis

Detroit once had a booming population; it almost reached two million citizens in the 1950s (Garvey, 2014). In order to accommodate that population, the City of Detroit invested in massive water and sewage infrastructure. But, as the population of Detroit

experienced a precipitous drop over the years, the size of Detroit's water and sewage infrastructure was too large to accommodate its shrunken population effectively. What occurred over the years was the gradual decline of the overall quality of the systems. When the infrastructure began to deteriorate from excessive use, more funds from the citizens of Detroit were required to renovate the system. But Detroit's water and sewage infrastructure struggled to obtain enough funds for renovation because the citizens of Detroit's utility bills began to rise in order to pay for repairs instead of renovations. From this rise in water cost, many citizens of Detroit became financially unable to continue paying their steep water bills and their inability to pay contributed to the continuous deterioration of water and sewage infrastructure (Sabourin, 2014).

In March 2014, the Detroit Water and Sewage Department (DWSD) began shutting off the supply of water to customers who were late in paying their bills for as little as one hundred and fifty dollars, which made up approximately half of their customers (Sabourin, 2014). The customers were given no notice of the shutoffs from DWSD, most discovered their water had been shut off by turning on the faucet and seeing nothing come out (Presbey, 2015). After the City of Detroit received heavy criticism of their decision to deprive some of their most impoverished citizens of a basic human necessity (Presbey, 2015) they decided to issue a moratorium on water shutoffs. However, once the moratorium ended, a US Bankruptcy Judge ruled that there was no constitutional right to water and that the shutoffs should continue so to not "discourage residents from paying their bills, [which] could potentially lead to high revenue drops for DWSD" (Sabourin, 2016). Despite opposition from various human rights advocates like the American Civil Liberties Union and the United Nations, the shutoffs continue to

occur in Detroit. In April 2017, DWSD shut off water service to almost eighteen thousand customers (Ferretti, 2017). DWSD has been shutting off service to their customers who were late on their bills as a way to begin generating revenue for itself in order to repair its infrastructure. But according to more cynical observers the shutoffs were an attempt look more profitable for potential investors (Howell, 2014). Regardless of the viewpoint one takes, in October 2014 the Great Lakes Water Authority (GLWA) was adopted and was a key factor in Detroit's recovery from bankruptcy.

The GLWA is a plan that spans over forty years, and concerns itself with the water distribution for all of southeast Michigan (Sabourin, 2014). In this plan, DWSD teams up with Macomb, Oakland, and Wayne counties of Michigan to give Detroit "long term success [and] to give suburban water and sewer customers a powerful voice in the management and direction of one of largest water and wastewater utilities in the nation" (glwater.org). GLWA allows DWSD to retain full control over Detroit's water infrastructure, but GLWA maintains the ability to lease, operate, and make decisions about entire regional water and sewage systems (Sabourin, 2014). In return for the use of Detroit's delivery systems, the counties of Macomb, Oakland, and Wayne will together pay fifty million dollars per year for forty years to Detroit with the understanding that the City uses this money to repair its decrepit infrastructure. In addition, the GLWA has set aside 4.5 million dollars for the "Residential Assistance Program" to help low-income customers pay their water and sewage bills (glwater.org). The Residential Assistance Program exists because the GLWA is not publicly funded, instead funded by the customers. If members of the GLWA fail to pay, then they jeopardize the success of the GLWA and are subject to shutoffs (Saboruin, 2014). By privatizing DWSD, Kevyn Orr

managed to get the GLWA to assume nearly four billion dollars worth of DWSD's debts (Turk, 2015).

Detroit: A Disaster In Plain Sight

While getting four billion dollars of debt absorbed and repairing Detroit's failing water and sewage infrastructure is a great achievement in pursuit of rescuing Detroit from bankruptcy, the decision by Kevyn Orr to have the Detroit Water and Sewage Department (DWSD) initiate the shutoff policy was a failure in implementation. I believe this failure in implementation was caused by concentrated attention to the financial issue of bankruptcy, similar to the implementation failure that occurred in Flint.

In his recommendation of chapter nine bankruptcy to the State of Michigan, Kevyn Orr wrote, "if the City is authorized to proceed under chapter nine, I intend to move along as expeditiously as possible" (Orr, 2013). The Emergency Manager position in Michigan is extremely vulnerable to issues of implementation arising in the course of enacting policy. This is because the Emergency Manager is focused on relieving the city from financial crisis, and seeks to do so through whatever means necessary. So when Kevyn Orr expressed his desire to solve Detroit's bankruptcy quickly, it strongly indicated the "circuits" from May et al.'s (2008) research had been focused at the top and that an failure in implementation was more probable than not.

Orr met with creditors and proposed some of the plans he had for the restructuring of the City of Detroit's finances, one of his proposed items was to use DWSD to create something similar to the Great Lakes Water Authority (GLWA).

"The City's intention to potentially realize value from the Detroit Water and Sewerage Department ("DWSD") through the creation of a new metropolitan area

water and sewer authority. This authority would conduct the operations under the City's concession or lease of the DWSD's assets in exchange for payments in lieu of taxes, lease payments, or some other form of payment” (Orr, 2013).

This recommendation came on June 13th, 2013, almost one month before Orr made the decision to file for bankruptcy under chapter nine. It should be no surprise that one of Orr’s acts as Emergency Manager was to enact his proposal to privatize the DWSD to relieve some of its debts and form a large municipal water and sewer authority, the GLWA.

However, in the pursuit of attracting potential buyers for DWSD, Orr enabled DWSD to enact a shutoff policy that would make it look more lucrative to businesses. When DWSD shutoff Detroit residents’ water for the first time, they did so with almost no warning whatsoever beforehand, leading to chaos amongst those whose water had been turned off. The plight of the Detroit citizens that were deprived of fresh water was heard by numerous human rights organizations across the United States, which ultimately led to United States Bankruptcy Judge Steven Rhodes’ declaration that there is not a right to free water in the Constitution, and also noted that not requiring payment on the accounts would harm Detroit’s recovery from chapter nine bankruptcy (Devitt, 2014).

This failure to disclose water shutoffs to the citizens is a clear policy implementation failure. Here we have an Emergency Manager who is determined to help lift Detroit out of debt by whatever means necessary. The problem is that the means used to accomplish that goal were heavy-handed, and shows that Orr was too focused on solving the bankruptcy crisis and not focused enough on ensuring that the proper precautions were taken in informing the public of the shutoffs for delinquent DWSD accounts.

The Detroit failure of implementation draws various similarities to Flint's failure of implementation. The fact of the matter is that in both cases there was highly concentrated organizational attention to financial issues that caused a failure to implement policy properly. In Flint, the proper precautions were not taken in ensuring the water their citizens were drinking was safe. In Detroit, there was a failure to communicate the discontinuation of water service to almost half the customers of DWSD and left them with no running water and no explanation as to why and continues to persist today. In 2017, seventeen thousand six hundred and eighty-nine Detroit residents had their water shut off (Ferretti, 2017). The number of residents who have had their water shut off has declined from 2016, but it is still a shockingly high number of citizens being deprived of access to clean water. Lastly, not only was heavy metal toxicity rampant in Flint, but also a Legionnaires disease outbreak developed when the switch was made. Approximately eighty percent of the Legionnaires cases reported during the Flint crisis can be causally linked to Flint's change in water source (Bouffard, 2018). Similarly, beginning in 2016, an outbreak of Hepatitis A has been sweeping through all of Michigan but has specifically been highly concentrated in Detroit as well as Macomb, Oakland, and Wayne counties (Stafford, Tanner, 2017). All of which are part of the Great Lakes Water Authority, which was born out of the Detroit Water and Sewage Department. This is merely a correlation and does not imply causation at the current time, but given the parallelism that has been observed between Flint and Detroit thus far, I believe it to be plausible that the water used in the GLWA could be causing the Hepatitis A outbreak.

Why is Detroit Succeeding?

Despite the water crisis caused by Kevyn Orr's policies being implemented incorrectly, the City of Detroit has made a considerable recovery from bankruptcy. Since the city declared bankruptcy in 2013, Detroit has managed to shave seven billion dollars in debt owed to its creditors and retirees (Livingwood, 2017). Programs have been enacted to help reduce Detroit's largest debts. For example, the Great Lakes Water Authority (GLWA) helped relieve the Detroit Water and Sewage Department's (DWSD) debt. There was also an effort to improve the city services such installing new street lights, decreasing police and ambulance response times, and blighted building demolitions to name a few. But I believe that none were as successful as the Grand Bargain. The Grand Bargain not only helped solve the pension debt problem, but it helped rehabilitate the city itself.

When Kevyn Orr decided that declaring bankruptcy under chapter nine was Detroit's best financial option, a decision was going to need to be made on which assets of the city were going to be liquidated in order to reduce its debt. Orr was placed in a difficult position however, when he was tasked with what to do with the artwork in the Detroit Institute of Arts (DIA). Detroit owned most of the artwork in the DIA, so when they declared bankruptcy the artwork was eligible to be sold to the highest bidders (Weeks, 2016).

According to Judge Gerald Rosen, a key architect of the plan that would save the DIA's artwork, the City of Detroit had very few assets worth enough to make a dent in the deficit, except for the artwork in DIA (Pinho, 2017). The artwork had the benefit of being sold at a pure profit since the city owned it. But Rosen and Orr were reluctant to

sell the artwork because not only would they be selling rare works of art that the City of Detroit placed high sentimental value on, but also dismantling the DIA would be harming a valuable industry of tourism that brought around six hundred thousand people per year to the City of Detroit (Pinho, 2017). While the debate of whether or not the City of Detroit could sell their artwork raged on, the bankruptcy court presiding over Detroit's bankruptcy ruled that pensions could be slashed under the bankruptcy. The retirees of Detroit became concerned that their pensions were going to be drained during the bankruptcy negotiations. In order to avoid that result they made a deal with the City of Detroit to protect their pensions called the Grand Bargain (Weeks, 2016).

The Grand Bargain was a plan that required raising eight hundred and sixteen million dollars so that a corporation created to be a trustee of the artwork in the DIA could repurchase the DIA. The funds generated from repurchasing would be used to pay the debt Detroit owed in pension funds to its retired citizens. In order to obtain the largest portion of the Grand Bargain, Judge Gerald Rosen went to twelve foundations and made the case to them that an investment in the DIA was not an investment in funding pensions or the arts, but an investment in Detroit's future (Ferris, 2017). Shortly after he did that, the Henry Ford Foundation and the Kresge Foundation donated one hundred and twenty-five million dollars and one hundred million dollars, respectively (Ferris, 2017). The philanthropic donations totaled three hundred and seventy million dollars (Ferris, 2017). The Grand Bargain required the DIA to sell the its collection of art, but the art would stay in Detroit and the money made from selling the art would be used to mitigate the pension loss incurred by retirees. The Grand Bargain was seen as a great triumph in the case of pensions because not only did it protect pensions from going any lower, it also provided a

unique way that philanthropy could aid a municipality financially, the likes of which had never before been witnessed.

Will Detroit Regress?

While Detroit has taken some big steps forward on the path of financial recovery, is it possible that the City could slip back into bankruptcy? I believe it is entirely possible for the City to fall back into bankruptcy and undo almost all of the work Kevyn Orr has done, partly because of all of the work Kevyn Orr has done. Detroit is still vulnerable to the issues it sought to correct during the course of its bankruptcy. Of these issues, I believe that pensions, the growing inequality between Detroit's Midtown area and the rest of Detroit, and the water shutoffs are issues that have potential to cause financial problems for Detroit down the road.

The pensions for retired City workers have been one of the key components leading to Detroit's bankruptcy. Under the Grand Bargain agreement, the City managed to pay the retirees whose pensions were in danger of being reduced significantly during Detroit's bankruptcy. The Grand Bargain was seen as a huge success in helping Detroit recover from bankruptcy. But it also helped Detroit preserve valuable artwork in the DIA, and provided guidelines for Detroit's finances moving forward (Ferris, 2017).

Despite the successes of the Grand Bargain in paying the pensions of retirees, Detroit Mayor Mike Duggan accused Kevyn Orr of misleading him regarding the amount of money needed to cover pension costs owed to retirees when Detroit resumed payment of pensions in 2024. In the bankruptcy exit plan that Duggan signed in 2014, Duggan asserts that Orr and his team of used an outdated model of mortality statistics, which

caused a discrepancy of approximately four hundred and ninety-one million dollars in pension payments due in 2024. Duggan may pursue legal action against Orr for misleading him, but the issue of how much disclosure the Emergency Manager owed to the Mayor is a crucial part of determining Duggan's success in suing (Guillen, 2017). Regardless of the outcome, the City of Detroit may need to prepare for the worst. Not just because the pension fund is short, but also because if Orr chose to be more discreet with more than just the pension fund, it could jeopardize Detroit's recovery from bankruptcy and possibly thrust the city back into bankruptcy.

Another issue that Detroit faces that could cause a regression in recovery is the increasing disparity between the quality of development between the Midtown area of downtown Detroit versus the rest of metropolitan Detroit (Reese, Eckert, Sands, and Vojnovic 2017). Reese et al. (2017) examined demographic factors, economic indicators, structures and buildings, and social indicators to conclude that Detroit is still experiencing decline.

The demographic indicators Reese et al. (2017) used for their experiment were population and poverty. The American Community Survey estimated that Detroit had experienced a population decline of 2.6 percent from 2010 to 2014 (Reese et al., 2017). From these measures, Reese et al. (2017) concluded that Detroit is still in a state of decline, and that recovery is highly irregular between the Midtown area of Detroit and the rest of the metropolitan area. Also, Midtown experienced an increase in poverty during Detroit's bankruptcy. The reason being that the new class of citizens that moved to Midtown after Detroit's revitalization efforts during the bankruptcy had higher incomes than the people who were living there already. Even though the higher income citizens

moved in to the previously impoverished Midtown area, they themselves could not cure the longstanding history of that area being impoverished and only increased the income inequality gap in Midtown (Reese et al., 2017).

Economic indicators were also included in the research of Reese et al. (2017), focusing on employment statistics in the Midtown area compared to the rest of Detroit. According to the American Community Survey data gathered in Detroit, the unemployment rates in Detroit's neighborhoods rose by 2.4 percent, and in Midtown the rate rose as well (Reese et al., 2017). Despite efforts to revitalize the Midtown area, the employment rate decreased during and after the Great Recession, but the rest of downtown Detroit experienced a significant increase in employment rates (Reese et al., 2017). Even though the employment rates for the City of Detroit are increasing in some areas, data from Data Driven Detroit shows that the jobs held by Detroit residents has fallen. For example, in Midtown, Detroit residents held forty-two percent of the jobs in 2007, but in 2013 that number fell to twenty-eight percent (Reese et al., 2017). The job increase that Detroit has enjoyed seems to be benefitting those living in the suburbs over those who live in downtown Detroit. A few explanations for these trends exist. The jobs added to downtown Detroit came from the suburbs, and many of the employees who worked for those companies chose to stay in the suburbs. The new jobs created for Detroit often require experience with technology and many of the residents of Detroit's downtown lack the education and skills needed for employment. Lastly, the reduction in public sector jobs has been a factor in the reduced rates of employment by residents of downtown Detroit (Reese et al., 2017).

The demographic and economic trends of downtown Detroit paint a picture of the housing structure issues in Detroit as well. Home prices in downtown Detroit and Midtown are much higher when compared to prices in Detroit's neighborhoods. In 2014 the average sales price of a home in downtown Detroit was 7.6 times the average sales price in the neighborhoods, and in Midtown the ratio was 5.8 times the average neighborhood price (Reese et al., 2017). Not only are the prices of homes in downtown Detroit higher, but also residential vacancy is higher in downtown Detroit due to rising property tax rates on the homes that are downtown (Reese et al., 2017). Should this trend continue, the revitalization efforts set in place by Detroit's bankruptcy plan could be much more difficult to achieve.

Lastly, Reese et al.'s (2017) research included social indicators, which focused on crime statistics. Crime rates were examined because of their strong negative impacts on business development, which makes them a useful metric when measuring economic recovery. According to the crime hotspot maps used by Reese et al. (2017), Midtown had a low incidence for homicides, arsons, and burglaries, but had an elevated incidence of robberies. Where the hotspots for crime were primarily concentrated in was in neighborhoods in the northeast and northwest areas of Detroit (Reese et al., 2017). Analyzing these crime statistics is important because not only are they an indicator of Detroit's economic development but also because lowered crime rates encourage other businesses to move to Detroit as well as encourage residential development. (Reese et al., 2017). While business and residential development are important for Detroit, the problem still remains that the gap between Midtown and downtown Detroit compared to the neighborhoods surrounding them is still increasing. If nothing is done to address this

growing disparity or if the inequality does not stabilize at some point through revitalization programs, then Detroit is almost certainly doomed to repeat history.

The water shutoffs will also be an issue worth paying close attention to. The effects of depriving citizens of clean drinking water have already been observed in Flint. It is hard to imagine the result would be any different in Detroit should the situation fail to improve. The water shut offs in Detroit raised an important constitutional question regarding a right to clean water. If this issue continues to persist, then it is entirely possible that it could spark a debate on whether or not there is a right to water. Detroit being the epicenter for the ruling that there is no constitutional right to water could definitely harm its recovery from bankruptcy by driving more residents out and deterring tourists from visiting. This issue of a constitutional right to clean water came to my attention during my analysis of the water shutoff crisis in Detroit. More analysis will be provided in the proceeding chapter on whether or not access to clean drinking water is a constitutional right.

Chapter Four—What Next?

What Have I Learned?

I believe my research has yielded three results: the Michigan Emergency Manager law is ineffective, the Emergency Managers in Michigan were given too much power to solve one specific problem, and that implementation failures can be catastrophic and require more research to understand how to implement policies that achieve their intended effects more effectively.

The Michigan Emergency Manager law is ineffective because it failed to achieve its main purpose, which is to enact policies that aid Michigan cities that are struggling financially. In Flint, the changing of water sources was implemented by their Emergency Manager to help the city save money. What ended up occurring was a public health disaster that thrust the city further into debt. In Detroit, the realization that recovering financially was impossible without declaring bankruptcy prompted their Emergency Manager to do so. In declaring bankruptcy, the Emergency Manager made cost-saving decisions that have been largely perceived as prudent and effective. But beneath the surface of these prosperous developments lurks the unfortunate reality that they are merely nothing more than a red herring. This unfortunate and vicious cycle of financial distress for both cities continues to spin, despite the Emergency Managers' efforts in both cities. It should follow logically then that since Michigan Emergency Manager law failed at its main purpose, the law is at best flawed. In both the Flint and Detroit cases, the Emergency Managers appointed to both cities exacerbated the cities' financial problems. While Flint's financial problems are much more obvious, Detroit's slowly bubbles under the surface, living under a guise of success. Due to its ineffectiveness, the Emergency

Manager law should either be done away with in totality, or modified to adjust to problems encountered in Flint and Detroit.

A way to modify the Emergency Manager law to increase effectiveness would be to restructure the tasks and power of the position. May et al. (2008)'s research regarding organizational attention to issues has proven to be applicable to the Michigan law. Their research stated that power should not be centralized at the top of an organization, nor should that organization be too focused on one issue. When those two factors are combined we see the failure of policy implementation, which is exactly what happened in both Flint and Detroit. The Emergency Managers in both cities were given full authority, under Michigan law, to use whatever method necessary in order to attain financial stability for the city they were assigned to. The problem with assigning such unilateral power to a single person in a small government entity, such as the Emergency Manager, is what May et al. (2008) refers to as "overloading the circuits at the top". In doing so, the Michigan law almost ensures that policies will be enacted efficiently but implemented incorrectly. Unfortunately, the problem with awarding unilateral control to fix one problem is often seen as the benefit of the Michigan law. The Emergency Managers are given immense power to make decisions because of two reasons: so that they can make hard decisions that politicians may fear to make, and so that they can rectify a city's financial situation as quickly as possible. Neither justification for allowing the Emergency Managers to be granted as much power as they have can be accepted. In light of both May et al. (2008)'s research and my own, implementation of policy ceases to be effective when a scheme like the Emergency Manager law in Michigan exists.

Which brings me to my last point. Implementation literature is still lacking and requires further research. Proper implementation is as crucial, if not more, than actually getting policy enacted because when actual policies differ greatly from the intent of the policymaker it can be disastrous. Issues in implementation are not unknown to those who study public policy. One of the seminal case studies that reflect the issue of ineffective implementation was *Implementation* by Pressman and Wildavsky. To help illustrate the importance of implementation compared to enacting policy, think of a roller coaster. Enacting policy is the equivalent to being granted permission to build the roller coaster, which is obviously a key development for building your roller coaster. Then, all that remains is obtaining the materials and the manpower to assemble your roller coaster. This is the implementation part of building your roller coaster. The problem now becomes the level of interaction between agencies that are involved in making your roller coaster. You can either have a lot interaction, as was the case in *Implementation*, which will most likely lead to disagreement between agencies and result in an incomplete project. Or, you can have little to no interaction between agencies involved. This was the case in Flint and Detroit with regard to the Emergency Managers. With little to no interaction, your roller coaster may get done faster than you expected, but there is a good chance that the roller coaster has design flaws that make it dangerous for public use, eventually causing the roller coaster to be shut down. In both instances, the end result is that the implementation portion of building the roller coaster resulted in failure of the project. Thus highlighting the importance of implementation policy compared to enacting policy.

Generalizability

By using May et al (2008)'s research of organizational attention at the federal level and applying their findings to the state level, I believe my research has the ability to be used in future implementation research. Moreover, by researching the lessons learned in *Implementation* by Pressman and Wildavsky I believe that there is still much to be learned about how to implement policy that matches the intent of the policymaker. This issue of failing to enact policy that achieves its desired effect has been rampant in Michigan. The situations in Flint and Detroit have furthered the implementation literature, and leave the opportunity available for future research.

However, there are some issues that exist with regard to the generalizability of my findings in the Flint and Detroit stories. First, is the research conducted on both cities with regard to implementation only applicable to cities in Michigan because of the Emergency Manager law? Second, how does the fact that both cities in my study were Home Rule cities factor into a discussion about implementation in cities that operate under Dillon's Rule? These issues, as well as many others, exist as possible difficulties in generalizing the findings of this study. But I believe they do not affect the generalizability of my research, for reasons that I will elaborate on further.

The first issue regarding the Emergency Manager law affects the generalizability of the study because the Emergency Manager law is specific to the State of Michigan. It also only applies to cities that are under extreme financial stress. So one could say that Flint and Detroit's stories are unfortunate, but the information gathered regarding implementation is negated by the fact that both disasters in Flint and Detroit are results of Michigan law and not systematic errors in implementation. I disagree. May et al. (2008)'s

research of single function agencies and how attention to issues being too focused leads to policy implementation failure proves that a systematic problem exists in agencies that possess the same characteristics May et al. (2008) described in their research. When the position of Emergency Manager is compared to the Office of Homeland Security/Department of Homeland Security in May et al. (2008)'s research, it is clear that the Emergency Manager was similar enough to the agency to expect implementation failure. Had the Emergency Manager law in Michigan been enacted in any of the other forty-nine states, there is no doubt that the same implementation failure would occur. Michigan's Emergency Manager law creates an environment for implementation failure to occur, but only because the law creates a small, single-function government agency with specific focus on correcting a specific issue. Therefore the argument that the information obtained from Flint and Detroit is only applicable to the State of Michigan is inaccurate.

The other issue that affects the generalizability of the research obtained from Flint and Detroit is that both cities are classified as Home Rule cities. Without being able to see how the Michigan Emergency Manager law functions in a Dillon's Rule city, the argument can be made that the implementation failure could have resulted from the fact that Flint and Detroit are Home Rule cities. Home Rule cities are granted more power to govern them, whereas cities that follow Dillon's Rule have less power granted to govern themselves. However, the fact that both Flint and Detroit follow the same rule does not have a substantial effect on the generalizability of this research. The Emergency Manager law allows the Governor to appoint an Emergency Manager to a city, regardless of what rule it follows. So in a sense, the cities are operating under Dillon's Rule once the

Emergency Manager is appointed and return to Home Rule once the Emergency Manager leaves. As was seen in both the Flint and Detroit stories, both implementation failures occurred during the Emergency Manager's stint in each city, but did not actually surface until after they left. Regardless of following Dillon's Rule or Home Rule, the Emergency Manager law created the opportunity for implementation to fail. Since the Emergency Managers implement policy under a quasi form of Dillon's Rule, the argument that Flint and Detroit being Home Rule cities affects the generalizability of this study does not follow.

There are other issues that threaten the generalizability of this study. It would be inaccurate to claim that there are none, and that the two listed above are the only ones. However, I believe the two listed above are the ones of most pertinent interest. Overall, I believe the research gathered throughout this thesis will be able to be generalized into the implementation literature effectively.

What Haven't I Learned?

While the research compiled from the Flint and Detroit sagas sheds light on the issue of effective policy implementation, there are questions whose answers are still unknown. It would be inappropriate to claim that my research solves the problem and wraps it up in a neat bow. While there are many issues that could be raised, I believe the most important one is that I still do not know where the "sweet spot" is for implementation.

Discovering what the "sweet spot" of policy implementation has proven to be extremely difficult. By "sweet spot", I mean the combination of factors that lead to the

implementation of policy that is similar to what the intentions of the policymakers were. Pressman and Wildavsky discovered that enacted policies requiring cooperation from various actors in the policy implementation process leads to implementation failure. My research has shown that when unilateral power to enact policy is given to a small, issue-focused agency, implementation failure occurs. What is missing is a “Goldilocks” solution, or a solution that is just right. Unfortunately, the information gathered from Flint and Detroit’s implementation catastrophes does not provide a “Goldilocks” solution. But, the Flint and Detroit stories, as well as the story in *Implementation*, will provide future researchers with a better understanding of what effective policy implementation should entail.

What If’s

What if there was no Flint Water Crisis? What if Detroit did not declare bankruptcy? What if the Emergency Manager law did not exist in Michigan? These questions deserve consideration because if any of them were the true state of affairs in Michigan, they could have drastically altered the results of this study. However, it is important to note that the following predictions are merely hypothetical. It is not possible to know what the actual course of history would have been had an event not occurred. But it is possible to make an educated guess as to what could have happened.

If the Flint Water Crisis never occurred, I believe there would have been another crisis to take its place. Flint was desperate for a solution to their financial woes. Historically, the City of Flint has been trying to fill the void that the departure of the automobile industry left in their economy for years. Once they were appointed an

Emergency Manager, that desire was thrown into overdrive. The City went from wanting to improve its economy, to having to improve it out of necessity. This necessity caused all attention to be focused on improving the City's finances. Thus, the focus on financial recovery resulted in implementation failure of policies enacted by Emergency Managers. Even if the Flint Water Crisis never happened, another crisis would take its stead. Maybe not on the same magnitude of the water crisis, but one would still arise due to the Emergency Manager's tunnel vision in enacting policy. The important takeaway is that the role of the Emergency Manager created an environment that allowed for crises to occur due to implementation failure. Policies enacted by Emergency Managers did not account for non-financial related factors that would affect their implementation, nor did the City closely monitor Emergency Manager policies to ensure effective implementation. Because the role of the Emergency Manager created an ineffective policy implementation scheme for its enacted policies, Flint would have been unable to avoid a crisis related to Emergency Manager policies.

Similarly in Detroit, if the Emergency Manager did not declare bankruptcy then there still would have been issues that plagued Detroit's residents. The issues that affected Detroit spawned from the declaration of bankruptcy, but those issues as well as many others could have happened without Detroit declaring bankruptcy. The water shutoffs that have affected thousands of Detroit residents could have been enacted as a way to save money for the city. Also, the improvements made to the downtown area of Detroit could have been a viable option for the Emergency Manager to follow in order to create more revenue for the city. However it would still produce the same effect in Detroit, a growing gap between the rich and the poor. Whether or not Flint or Detroit

underwent their subsequent crises does not matter when the Emergency Manager law is still in effect. When the Emergency Managers have control of Michigan cities, crises are much like the hydra from Greek mythology. Eliminating one crisis from the scenario allows two more to appear in its place. It may not always be the case that the elimination of one crisis automatically means two smaller crises arise. But it is true that when disaster from implementation is eliminated or omitted, another will appear in its place.

The last hypothetical situation is one that, ideally, would remove the possibility of implementation failure in Flint and Detroit. If the Emergency Manager law in Michigan did not exist, it is reasonable to assume that the crises that happened in both Flint and Detroit would not exist today. This is true to an extent. While the crises in both cities might not have happened with the same magnitude and visibility under the Emergency Manager law, the potential for the disasters still existed in Michigan regardless of the Emergency Managers' actions. Both Flint and Detroit suffered from fleeing populations that led to lower tax revenue for the cities. The lower tax revenue caused the quality of city services to decline. The decline of city services was systemic throughout the Cities of Flint and Detroit, which made both cities desperate for aid. This is why the Emergency Manager law was passed in Michigan. Had it never existed, it would not change the fact of the matter that the deteriorating financial situation in both Flint and Detroit made it to where both cities were powder kegs, waiting for something or someone to ignite them. In the present cases it was the Emergency Managers in both cities that, through their myopic vision of the financial issues, lit the fuse. But it is hard to imagine that in a world without the Emergency Managers, these issues would continue to bubble under the surface without ever erupting. All it took in Flint and Detroit was one person to make one

decision and the entire cities were crippled by implementation failure. Any one member of the local or state governments could have committed these errors. So, even without the Emergency Manager law in Michigan, I do not believe the disasters in Flint and Detroit would have been avoided in totality.

New Question

During the course of researching both Flint and Detroit's implementation failures, a new question has come to my attention and I believe it should be addressed to benefit future research. The issue of whether or not there is a constitutional right to having access to clean water was raised during the initial water shutoffs performed by the Detroit Water and Sewage Department (DWSD). The citizens who had their water shut off due to outstanding account balances on their water and sewage bills challenged the legitimacy of the shut offs in court. The bankruptcy judge that presided over the case regarding the shut offs ruled that since there is no constitutional right to having access to clean water, the shut offs were legally performed. While it is true that the United States Constitution makes no mention anywhere of the right to clean drinking water, the idea that a city can readily deny their citizens access to clean water is a haunting thought for some. Murthy (2016) uses Cass Sunstein's phrase "constitutive commitment" to describe how water should be viewed in the eyes of the law. "Constitutive commitments" refer to rights that are not guaranteed by the Constitution but should be afforded the same protection as if they were in the Constitution because of their value to society. Murthy's (2016) research analyzes the decision to continue allowing the water shutoffs to occur in Detroit. While

her research provides feasible alternatives to ensure everyone has access to clean water, it could still face opposition.

Murthy's (2016) research calls for alternatives to current water policy that would make water bills more affordable for those who cannot afford high water bills, such as citizens of Detroit whose water has been shut off. However, if her policy were to be adopted it would mean that some people would pay more money for access to the same water than others. Such a construction may violate the Equal Protection Clause of the Fourteenth Amendment. Studying Flint and Detroit's water crises have made it clear that this constitutive commitment vs. constitutional right debate is far from being solved. This issue is currently similar to the old saying "you can't have your cake and eat it too", meaning, it will be difficult to have a policy construction where affordable drinking water exists for all but some people pay more for it than others. Unfortunately, this issue escapes the scope of my research but it should be addressed for future reference by researchers. Hopefully, exploring this issue further will allow future generations to have their cake and eat it too.

Accountability

One final question to be addressed is the issue of accountability for Flint's water crisis and possible accountability for Detroit's water crisis. Since December of 2016, Michigan Attorney General Bill Schuette has handed down indictments to members of the Michigan state government who were responsible for Flint's water crisis. So far, some of those state officials charged have been: Darnell Earley and Gerald Ambrose, both former Emergency Managers from 2014-2015, and have been charged with crimes such as misconduct in office and conspiracy (Sidorowicz, 2016). Nick Lyon, Michigan's

Health and Human Services Director has been charged with involuntary manslaughter of an 85-year-old man due to his inaction in reporting the outbreak of Legionnaires' disease in Flint (Anderson, 2017). Dr. Eden Wells, Michigan's Chief Medical Officer, has been charged with obstruction of justice, lying to an investigator, misconduct in office, and involuntary manslaughter (Fleming, 2017).

It seems as though the State of Michigan is trying to correct the negligent behavior of the state officials involved in the Flint Water Crisis. But is it fair to place blame on these state officials when they were following the commands of the Emergency Managers? There is a psychological phenomenon known as groupthink that accurately explains why, I believe, the state officials involved never spoke up about the situation in Flint. Groupthink occurs when the members of a group value a unified answer to a problem and refuses to raise issues with general consensus reached by the group (Psychologytoday.com, 2018). If groupthink has occurred in Michigan, it has been created by the Emergency Managers focused attention on specific financial issues. The Emergency Managers have autonomous control of policy creation in Michigan, so who would stand in their way of achieving their goal? Surely a state employee whose job could very well be jeopardized by resisting policies enacted by Emergency Managers would not choose to do so. It may seem unfair to hold these people responsible when they stuck between the proverbial rock and a hard place. Resist the policies and risk getting fired or implement the policies and risk the lives of the citizens you serve. Despite their troubles we must assign the blame to them for not performing their jobs.

Final Comments

My research is largely concerned with answering one question: how could policy disasters like Flint and Detroit happen? The answer is the Michigan Emergency Manager law. The law makes it to where the Emergency Manager can disregard accountability to enact policies that may be viewed as unpopular. The law also promotes a groupthink environment among the relevant agencies involved in policy implementation. These factors create a “perfect storm” for policy implementation failure, and unfortunately, someone has to be held responsible for these poorly implemented policies. Although we can never know the full intent of the Emergency Managers and state officials involved, I think it is fair to say they never meant for lives to be lost as a result of their policies. But the blame has to be assigned to people involved in the process. Members of the government being handed indictments by the Attorney General should not be the result of policies implemented to aid cities. The blame lies in the law itself, but it is unsatisfactory to blame a law for disasters. Although the law was created with the intent to do good, sometimes in the pursuit of doing good for people you end up making them worse off. I can only hope that the State of Michigan reevaluates its Emergency Manager law and is able to make necessary adjustments to the law to ensure better implementation of the Emergency Manager’s policies, otherwise they will be doomed to committing the same mistakes time and time again at the expense of the citizens.

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