

**ORDER OF THE EMERGENCY MANAGER
CITY OF LINCOLN PARK
COUNTY OF WAYNE, STATE OF MICHIGAN**

AMENDED ORDER NO. 32

CANCEL SPECIAL ELECTION FOR HEADLEE OVERRIDE ON AUGUST 4, 2015 BALLOT
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WHEREAS, under the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 (“Act 436”), Brad Coulter has been appointed as the Emergency Manager (the “EM”) of the City of Lincoln Park, County of Wayne, Michigan (the “City”); and

WHEREAS, pursuant to Section 9(2) of Act 436, the EM “shall act for and in the place and stead of” the Mayor, the City Manager, as the Chief Administrative Officer, and of the City Council, as the governing body of the City; and

WHEREAS, Section 9(2) of Act 436 also grants the EM “broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the [City] and the [City’s] capacity to provide or cause to be provided necessary governmental services essential to the public health, safety and welfare;” and

WHEREAS, Section 9(2) of Act 436 prohibits, during the pendency of receivership, the Mayor and the Council from exercising “any powers of those offices except as may be specifically authorized in writing by the [EM] or as otherwise provided by [Act 436] and are subject to any conditions required by the [EM];” and

WHEREAS, Section 12(1)(dd) of Act 436 authorizes the EM, “notwithstanding any charter provision to the contrary,” to “[e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government” as provided in the Michigan Home Rule City Act, Act 279, Public Acts of Michigan 1909 (the “Home Rule Act”); and

WHEREAS, Section 12(1)(ee) of Act 436 authorizes the EM, “notwithstanding any charter provision to the contrary,” to “[t]ake any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the [EM] shall be superior to and supersede the power of any of the foregoing officers or entities;” and

WHEREAS, Section 12(1)(t) of Act 436 authorizes the EM to “Order, as necessary, 1 or more millage elections for the local government consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, sections 6 and 25 through 34 of article IX of the state constitution of 1963, and any other applicable state law.” and

WHEREAS, the Emergency Manager had previously determined that it is in the best interests of the City to raise additional funding via millage; and,

WHEREAS, the Emergency Manager had previously set a special election to be held in the City on Tuesday, August 4, 2015; and,

WHEREAS, circumstances have changed to where the Emergency Manager needs to remove the question of a Headlee override millage.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

The ballot proposal previously submitted with Emergency Order 32 be retracted and the special election scheduled for August 4, 2015 be cancelled. The City Clerk is instructed to take necessary steps to cancel the special election.

This order shall have immediate effect.

This order may be amended, modified, repealed or terminated by any subsequent order issued by the Emergency Manager.

SO ORDERED this 12th day of May, 2015.

By: _____



BRAD COULTER
Emergency Manager
City of Lincoln Park

cc: State of Michigan, Department of Treasury
Mayor Thomas E. Karnes
Members of the Lincoln Park City Council