

EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

ORDER NO. 17

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

FILL VACANT COUNCIL POSITION

BY THE AUTHORITY VESTED IN THE EMERGENCY MANAGER FOR THE CITY OF LINCOLN PARK
PURSUANT TO MICHIGAN’S PUBLIC ACT 436 OF 2012
BRAD COULTER, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

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, pursuant to Section 12(2) of Act 436, "during the pendency of the receivership, the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the [EM];" and

WHEREAS, Section 12 (1) (ff) of Act 436 allows the Emergency Manager to "Remove, replace, appoint, or confirm the appointments to any office, board, commission, authority, or other entity which is within or is a component unit of the local government."

WHEREAS there is an existing vacancy on the City Council that needs to be filled; and,

WHEREAS the City Council has resolved that Chris Dardzinski be appointed to fill the vacation position of Councilperson for the City of Lincoln Park; and,

IT IS HEREBY ORDERED THAT:

The Emergency Manager confirms the resolution of the City Council to appoint Chris Dardzinski as Councilperson to fill the unexpired term created by the resignation of Councilperson Deborah Henderson.

SO ORDERED this 6th day of April, 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

**MISCELLEANOUS PROPOSED RESOLUTION
LINCOLN PARK CITY COUNCIL**

DATE: 4-6-15

MOVED: DiSanto, Kandes, Kelsey, Murphy, Zelenak, Mayor Karnes
SUPPORTED: DiSanto, Kandes, Kelsey, Murphy, Zelenak, Mayor Karnes
BY FULL COUNCIL

RESOLVED, that Christopher Dardzinski, pursuant to Lincoln Park City Charter, Chapter III, Section 7 (c) (1) be and is hereby appointed to the position of Councilperson for the City of Lincoln Park effective immediately to fill the unexpired term crated by the resignation of Deborah Henderson.

YES: DiSanto, Kandes, Kelsey, Murphy, Zelenak, Mayor Karnes
NO: DiSanto, Kandes, Kelsey, Murphy, Zelenak, Mayor Karnes
ABSTAINED: DiSanto, Kandes, Kelsey, Murphy, Zelenak, Mayor Karnes

**OATH OF OFFICE ADMINISTERED BY CITY CLERK DONNA BREEDING
TO CHRISTOPHER DARDZINSKI**