

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

**FIRST AMENDMENT DATED JANUARY 27, 2015 TO
ORDER NO. 5 DATED NOVEMBER 12, 2014**

**SUBMITTING POLICE OFFICERS AND FIRE FIGHTERS
RETIREMENT SYSTEM PROPOSAL**

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 Order No. 5, dated November 12, 2014 (“EM Order No. 5”), the EM proposed establishment of a retirement system pursuant to Michigan Public Act 345 of 1937, as amended (“Act 345”); and

WHEREAS, EM Order No. 5 provided that the proposed establishment of an Act 345 retirement system be submitted to a vote of the electors on February 28, 2015; and

WHEREAS, the EM has determined that it is necessary and appropriate to amend Order No. 5 to provide that the proposed establishment of an Act 345 retirement system be submitted to a vote of the electors on May 5, 2015.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Section 1 of Order No. 5 is hereby amended to read as follows:

*1. The ballot proposal attached hereto as Exhibit A and incorporated herein by reference shall be submitted to a vote of the qualified electors of the City of Lincoln Park, County of Wayne, State of Michigan, at the election to be held on Tuesday, **May 5, 2015.***

2. Section 2 of Order No. 5 is hereby amended to read as follows:

*2. The ballot wording of the proposal is hereby certified to the City Clerk and to the County Clerk. The City Clerk is hereby authorized and directed to file this order and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than Tuesday, **February 10, 2015.***

3. This order shall have immediate effect.

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 This order may be amended, modified, repealed or terminated by any subsequent order issued by the Emergency Manager.

5. All orders and parts of orders, insofar as they conflict with the provisions of this order, are hereby repealed.

SO ORDERED this 21st day of January, 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

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