

EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

ORDER NO. 10

**ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK
VARIOUS APPOINTMENTS**

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 the Community Improvement Commission is a component unit of the local government and per the Lincoln Park Code of Ordinances Chapter 270, Section 270.01 a) "The Commission shall be composed of nine electors of the City. The Mayor shall be a member of the Commission. Each new member to the Commission shall be appointed for three years, thus maintaining the staggered terms as previously established. Vacancies on the Commission shall be filled by appointment of the Council for the remainder of that term.", and

WHEREAS there are existing vacancies on the Community Improvement Commission that need to be filled; and

WHEREAS per the Lincoln Park Code of Ordinances Chapter 252, Section 252.01 "established in and for the City an Economic Development Corporation pursuant to and in accordance with Act 338 of the Public Acts of 1974, as amended"; and

WHEREAS Article IV Board of Directors in the Articles of Incorporation for the Economic Development Corporation state "The Board of Directors of the Corporation shall be appointed by the Mayor of the City of Lincoln Park with the advice and consent of the City Council, as provided in Act 338 Public Acts of Michigan, 1974, as amended"; and

WHEREAS there are existing vacancies on the Board of Directors for the Economic Development Corporation; and

WHEREAS City of Lincoln Park Resolution #02-415 dated July 29, 2002 "designates the following to constitute the Brownfield Redevelopment Authority Board, as set forth in Section 5 (1)(a) of the Act: 'the Board of Directors of the Economic Development Corporation of the municipality'":

IT IS HEREBY ORDERED THAT:

1. Effective immediately, the following members of the Community Improvement Commission are appointed:

- Dennis Anderson, 1539 McLain, Lincoln Park, Michigan 48146

- Kimberly Comer, 2954 Alper, Lincoln Park, Michigan 48146

The following members of the Economic Development Corporation and the Brownfield Redevelopment Authority Board are appointed:

- Kara Hildebrandt, Lincoln Park Presbyterian Church, 1709 Emmons, Lincoln Park, MI 48146
- Gary Eggesfield, Accounting Plus, 3955 Fort Street, Lincoln Park, MI 48146

SO ORDERED this 29th 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