

EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

ORDER NO. 14

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

FINANCIALLY DISTRESSED CITIES, VILLAGES AND TOWNSHIPS GRANT

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, The State of Michigan Department of Treasury has given preliminary notice of its intent to award a Financially Distressed Cities, Villages, and Townships (FDCVT) grant in the amount of \$143,490 toward reimbursement of expenditures required to implement the FDCVT Application Proposal “Protect Property Values Through Increased Efficiency and Enforcement”, and;

WHEREAS, the State of Michigan requires each municipality’s governing body to adopt a resolution authorizing participation in the proposed project prior to finalizing the award of grants from the State of Michigan FDCVT grant program, and;

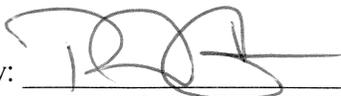
WHEREAS, The City of Lincoln Park acknowledges that it:

1. Has filed its annual financial report (F65) or audit per the Uniform Budgeting and Accounting Act or the Uniform System of Accounting Act, and;
2. Has filed its initial Deficit Elimination Plan as well as its Financial and Operating plan and is in the process of updating and revising both submissions, and;
3. Is not delinquent in making payments that are due on loans issued pursuant to the Emergency Municipal Loan Act, and;

Thus is eligible to participate in a FDCVT grant funded project;

NOW, THEREFORE, BE IT RESOLVED; the Emergency Manager hereby authorizes participation in the “Protect Property Values Through Increased Efficiency and Enforcement” grant project on behalf of the City of Lincoln Park and the Emergency Manager will submit and execute documents requested by the State of Michigan relating to the FDCVT requirements.

SO ORDERED this 24th day of March, 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