

EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

ORDER NO. 33

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

BOARD OF REVIEW APPOINTMENT

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 Board of Review is a component unit of the local government and per the Lincoln Park Code of Ordinances:

254.01 ESTABLISHMENT; COMPOSITION:

(a) Generally. A Board of Review is hereby established in and for the City in accordance with Chapter IV, Section 30, of the City Charter, and M.S.A. 7.28, as amended. The Board shall be composed of three members who are freeholders and qualified electors and residents of the City.; and,

254.02 APPOINTMENTS; TERMS OF OFFICE: The members of the Board of Review shall be appointed by City Council. The first members shall be appointed during the month of January, 1960, for terms expiring on July 1, 1961, 1962 and 1963. In 1961, and in each year thereafter, one member shall be appointed and confirmed in the month of May of each year for a term of three years, commencing on the following July 1.

WHEREAS there is an existing vacancy for a Board of Review member that needs to be filled; and

IT IS HEREBY ORDERED THAT:

Effective immediately, the following member of the Board of Review is appointed for a three year term commencing July 1, 2015:

- Barbara Porath, 926 Champaign, Lincoln Park, MI 48146

SO ORDERED this 15th day of July, 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