

EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

ORDER NO. 34

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

APPOINTMENT OF CITY MANAGER

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.” and

WHEREAS the City has a vacancy in the City Manager position and per the Lincoln Park City Charter Chapter IV Appointive Officers, Section 1. Appointive officers and boards enumerated; officers and members, qualifications:

“The Council shall appoint a City Attorney, a City Assessor, a City Engineer, a City Health Officer, a City Controller, a Superintendent of Public Works, a Board of Review, consisting of three freeholders of the City, and such other officers and administrative boards as shall be provided for a City Manager and define his powers and duties when in their discretion they see fit to do so. The powers and duties of such appointive officers and administrative boards shall be prescribed by the City Council subject to the provisions of this Charter. Such officers and members of said administrative boards shall be the age of twenty-one and upwards, citizens of the United States and possessed of such further qualifications as may be prescribed by this Charter or the ordinances of the City of Lincoln Park.” and

WHEREAS the Emergency Manager has the authority of Council and can appoint the City Manager as well as determine the City Manager’s scope of authority.

IT IS HEREBY ORDERED THAT:

Matthew W. Coppler is appointed as City Manager commencing by October 1, 2015 at the latest and ending December 31, 2017:

SO ORDERED this 27th 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