

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

**ORDER NO.   5**

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

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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, Section 12(1)(t) of Act 436 authorizes the EM to “Order, as necessary, 1 or more millage elections for the local government consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, sections 6 and 25 through 34 of article IX of the state constitution of 1963, and any other applicable state law.” and

WHEREAS, the Emergency Manager has determined that it is in the best interests of the City to establish a police officers and fire fighters retirement system pursuant to the provisions of Michigan Public Act 345 of 1937, as amended (“Act 345”), and create a pension board thereunder; and

WHEREAS, it is necessary to submit the question of establishing the retirement system to the qualified electors of the City; and

WHEREAS, the Emergency Manager has determined that the question of establishing the retirement system shall be submitted to the qualified electors of the City at an election to be held in the City on Tuesday, February 24, 2015; and

WHEREAS, in order for the proposal to be submitted to the qualified electors, it is necessary for the Emergency Manager to certify the ballot wording of the proposal to the City Clerk and to the County Clerk of the County of Wayne (the “County Clerk”), as required by Act 116, Public Acts of Michigan, 1954, as amended (the “Michigan Election Law”).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

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, February 24, 2015.

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, December 2, 2014.

3. The City Clerk and the County Clerk are hereby authorized and directed to (a) post and publish notice of last day of registration and notice of election as required by the Michigan Election Law; and (b) have prepared and printed, as provided by the Michigan Election Law, ballots for submitting the proposal at the election, which ballots shall contain the proposal appearing herein, or the proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.

4. The establishment of the retirement system shall be contingent on the approval by the electors of an amendment to Chapter XVII of the City Charter authorizing cessation of the existing pension system and transfer of its assets to the new Act 345 pension system.

5. This order shall have immediate effect.

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

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

SO ORDERED this 12<sup>th</sup> day of November, 2014.

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

**EXHIBIT A**  
**BALLOT PROPOSAL**

**City of Lincoln Park Police Officers and Fire Fighters Retirement System Proposal**

Shall the City of Lincoln Park, County of Wayne, Michigan, be authorized to establish a retirement system for the benefit of police officers and fire fighters, create a pension board, and levy taxes annually in amounts sufficient to fund the system, all in accordance with the provisions of Michigan Public Act 345 of 1937, as amended? *This proposal shall not become effective unless the electors also approve an amendment to Chapter XVII of the City Charter authorizing cessation of the existing pension system and transfer of its assets to the new Act 345 pension system.*

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