

EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK

ORDER NO. 8

**ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK
APPOINT ZONING BOARD OF APPEALS MEMBERS**

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 Zoning Board of Appeals is a component unit of the local government and per the Lincoln Park Code of Ordinances Chapter 1264, Section 1264.02 (a) "The Zoning Board of Appeals shall consist of five (5) members appointed by majority vote of City Council."

WHEREAS there are existing vacancies on the Zoning Board of Appeals that need to be filled.

IT IS HEREBY ORDERED THAT:

1. Effective immediately, the following registered voters of the City be appointed to the Zoning Board of Appeals:

- Joan M. Brophy, 859 Winchester Avenue, Lincoln Park MI 48146
- Ronald P. Tank, 812 Cloverlawn Blvd., Lincoln Park MI 48146
- Elloitt Zelenak, 711 St. Johns Blvd. Lincoln Park, MI 48146
- John Taucher, 1404 Philomene, Lincoln Park, MI 48146

SO ORDERED this 12th 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