

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, AUTHORIZING THE ESTABLISHMENT OF A PROFESSIONAL CITY ADMINISTRATOR POSITION AND THE APPOINTMENT OF A QUALIFIED PROFESSIONAL TO THE POSITION OF ECORSE CITY ADMINISTRATOR.

(Order and Directive No. 078)

WHEREAS, under the Local Government and School District Fiscal Accountability Act, Act 4, Public Acts of Michigan, 2011, as amended ("Act 4") and a Contract (the "Contract") between the State of Michigan and Joyce A. Parker, dated October 30, 2009, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Ecorse, County of Wayne, Michigan (the "City") and charged with the power and authority to take all actions necessary to develop and implement financial and operational plans to regulate expenditures, investments and the provision of services for the City of Ecorse in conformity with and using the powers set forth in Act 4; and

WHEREAS, Public Act 243 of 1980, the Emergency Municipal Loan Act, the Local Emergency Financial Assistance Loan Board has the power to authorize and make loans to qualifying municipalities pursuant to certain statutory terms and conditions including, but not limited to the mandate under MCL 141.937 that a municipality that receives a loan under said Act shall employ a full-time professional administrator to direct or participate directly in the management of the municipality's operations until otherwise ordered by the Board;

WHEREAS, pursuant to Public Act 4 of 2011, Section 19 (1) (g) an Emergency Manager has the power to authorize and make; approve, or disapprove any appropriation, contract, expenditure, or loan, and create any new employment position for and on behalf of the local government;

WHEREAS, pursuant to Public Act 4 of 2011, Section 19 (1) (dd) and (ee) the power of an emergency manager is superior to and supersedes the power of any officer or employee whether elected or appointed and, therefore, allows the Emergency Manager to exercise the power and authority of any elected or appointed position, including the elected positions of the governing body, under various public acts, including but not limited to the Home Rule City Act, to properly accomplish the work of the municipality;

WHEREAS, pursuant to the Act's processes and procedures and subject to all of the conditions articulated under Public Act 243 of 1980, the City of Ecorse has received the greatest loan amount allowable under the statute, specifically loan amounts totaling Five Million (\$5,000,000.00) Dollars since November of 2009, with an anticipated twenty year repayment plan to the State of Michigan;

WHEREAS, pursuant to the legal mandate of employing a full-time professional administrator under Public Act 243 of 1980 as a term and condition of the loans received by the City and the anticipated twenty year repayment plan to the State of Michigan of the \$5,000,000 in loans, a professional City Administrator is required and otherwise advisable for the full twenty years of Ecorse's repayment plan to perform the specific statutory duties set forth under MCL 141.937 and otherwise. Further, should Ecorse repay the full loaned amount in a time less than the anticipated 20 years, the City would have the option of applying to the Local Emergency Financial Assistance Loan Board to request the termination of the mandated professional City Administrator, if it so chose;

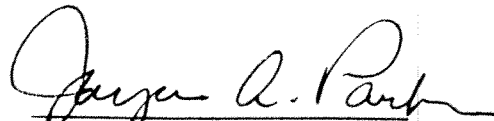
WHEREAS, the Emergency Manager, pursuant to PA 4, the Contract and PA 243 of 1980 is authorized to create the position of City Administrator, post/advertise to identify a pool of fully qualified candidates, select and train the chosen City Administrator from the pool of candidates who shall have the minimum education, knowledge, skills, qualifications, and competencies as determined in the sole discretion of the Emergency

WHEREAS, this **ORDER** is necessary in order for the City of Ecorse to be in full compliance with the law and to carry out the comprehensive duties and responsibilities required of the Emergency Manager as set forth in Public Act 4 of 2011, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager and, other laws and additionally, is considered necessary to implement the City of Ecorse's financial plan.

THEREFORE, BE IT RESOLVED, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 4 OF 2011, THE CONTRACT, AND OTHER LEGAL MANDATES THAT:

1. Pursuant to this ORDER, a professional CITY ADMINISTRATOR employment position is hereby established. The 2012 – 2013 budget and all budgets thereafter shall provide appropriate funds for a City Administrator employment position with the City of Ecorse.
2. The Emergency Manager shall develop an appropriate job description inclusive in whole or in substantive part of the minimum qualifications, competencies, knowledge, skill sets, and educational requirements the Emergency Manager, in her sole discretion, determines to be essential to be a successful city administrator and post the job description pursuant to an appropriate process that will identify a pool of qualified candidates.
3. The Emergency Manager shall process the applications received with the assistance of the Human Resources' Director and interview all qualified candidates.
4. The Emergency Manager shall invite comment and input from the Mayor and Council on the final candidates before selecting the best candidate to appoint to the position of City Administrator.
5. When the Emergency Manager completes her city administrator application and selection process, the Emergency Manager shall select the candidate that she determines, in her sole discretion, is the best choice for the City of Ecorse, appointing said candidate as the City Administrator for the City of Ecorse. The Emergency Manager shall further establish, in her sole discretion, the terms and conditions of the City Administrator's employment relationship with the City of Ecorse through an employment contract between the City Administrator and the City of Ecorse.
6. Additionally, the Emergency Manager shall develop and reduce to writing a document that shall set forth statutory, operational and other requirements, terms and conditions that shall be followed for all professional City Administrators to be hired by the City of Ecorse hereafter.
7. The City of Ecorse shall continuously employ a professional City Administrator compatible with the terms and conditions that shall be developed and reduced to a written document by the Emergency Manager for the uninterrupted term of years that the City's loans to the State of Michigan are outstanding and until the State of Michigan Local Emergency Financial Assistance Loan Board provides in writing permission to Ecorse to terminate the requirement of employing a professional City Administrator.
8. Should the City of Ecorse repay its full financial obligations to the State of Michigan prior to the anticipated 20 year repayment plan, pursuant a Resolution by the Ecorse City Council, the City may apply in writing to the Local Emergency Financial Assistance Loan Board for permission to be released from the mandate of employing a professional City Administrator.
9. Repeal. All orders of the Emergency Manager, resolutions of the City Council of the City and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 25th day of April, 2012.


Joyce A. Parker
Emergency Manager
City of Ecorse