

**EMERGENCY MANAGER
CITY OF FLINT
GENESEE COUNTY MICHIGAN**

**ORDER No. 3
(AS AMENDED BY RTAB RESOLUTIONS)**

CITY ADMINISTRATOR

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER ("EMERGENCY MANAGER") FOR THE CITY OF FLINT, MICHIGAN ("CITY") PURSUANT TO MICHIGAN'S PUBLIC ACT 436 OF 2012, LOCAL FINANCIAL STABILITY AND CHOICE ACT, ("PA 436"); GERALD AMBROSE, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

Pursuant to PA 436, the Emergency Manager has broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the City and its capacity to provide or cause to be provided necessary services essential to the public health, safety and welfare; and

Pursuant to PA 436, the Emergency Manager acts in place of local officials, specifically the Mayor and City Council, unless the Emergency Manager delegates specific authority; and

Pursuant to PA 436, the Emergency Manager has broad power to manage the local government, and may issue orders to elected and appointed officials necessary to accomplish the purpose of the Act. An Order issued under PA 436 is binding on the person to whom it is issued; and

IT IS HEREBY ORDERED:

The City Administrator shall serve as the City's Chief Administrative Officer at the pleasure of the Mayor, City Council and Emergency Manager or Receivership Transition Advisory Board (hereinafter "Board"), in accordance with the provisions of her contract [sic] with the

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City of Flint dated February 23, 2015, and is charged with implementing executive and legislative directives and policies of the Mayor and City Council, subject to oversight of the Board, including strategic planning and budgeting, and with directing the management of day-to-day administrative activities and appointed staff officials.

Consistent with the City Administrator Employment Agreement and Position Description, and subject to the approval and directives of the Board, the City Administrator shall have the following authority, duties and responsibilities notwithstanding any provision of the City Charter or Code of Ordinances:

1. Serve, advise and report to the Mayor with respect to the Mayor's executive functions, as set forth in Charter §4-101.
- ~~2. Serve and advise the Council with respect to the Council's legislative functions, as set forth in Charter §3-101.¹~~
- ~~3. Serve, advise and report to the Emergency Manager, as required by Public Act 436, so long as an Emergency Manager is in place.²~~
4. Serve, advise and report to the Board, including:
 - a. Advise and report to the Board as required by Public Act 436;
 - b. Fully comply and assist the Board in meeting all duties assigned to it by the governor pursuant to MCL 141.1563(h);
 - c. Provide all budgetary information requested by the Board;
 - d. Serve as the primary contact between the Board and the City, including any department heads, officers, attorneys, accountants, employees, and any other contractors or consultants hired by the City to assist the City Administrator or the City in the discharge of powers, duties, functions, and responsibilities;
 - e. Promptly and effectively communicate with the Board regarding any matter that may have a significant financial impact on the City.
5. Direct City department heads ~~in carrying out the daily activities of the City~~, in the assembly of financial and management information; and in the gathering and assembly of pertinent data and information and recommendations for the Mayor and City Council's consideration in making executive determinations and policy.³
6. Translate executive decisions and policies of the Mayor into administrative procedures for the cost effective and efficient operation of the City.
7. Implement legislative action of the City Council.
8. Monitor and manage the administrative inter-activity of the City departments so the delivery of public services represents an efficient, effective, and coordinated effort.
9. Interact with other governmental agencies as requested by the Mayor or City Council.

^{1,2} Amended by RTAB Resolution 2016-3 on March 31, 2016; approved by State Treasurer on April 5, 2016.

³ Amended by RTAB Resolution 2016-4 on May 26, 2016; approved by State Treasurer on July 7, 2016.

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10. Prepare and review correspondence, reports, speeches, resolutions, and other material for public relations purposes. Answers citizen and official inquiries regarding City policy matters.
11. In consultation with the Mayor, direct the assembly of information and items for consideration by the Council, and provide them to the City Clerk for inclusion on the appropriate agendas.
12. Regularly consult with the Mayor in the development of actions with respect to the Mayor's executive functions, and with matters relating to the daily administrative functions of the City, including the evaluation of the performance of department heads, and the resolution of customer service issues.
13. Except to the extent prohibited by or in material conflict with applicable laws and authorities, the City Administrator or designee shall attend all meetings of the City Council, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on, or pursuant to, this Agreement, or any amendment thereto, or the City Administrator's evaluation. The City Administrator shall advise members, and make recommendations consistent with policy objectives, strategic planning and administrative activities.
14. Attend public meetings and events; give presentations and information to the public regarding matters of City business.
- ~~15. Manage and oversee all department heads, division heads, managers and non-elected City employees. This shall include an annual written performance evaluation of all department heads, including those identified in paragraphs 15, 16 and 17.~~⁴
- ~~16. Recommend, subject to the Mayor's approval, the following appointments:
 - a. Chief of Police;
 - b. Fire Chief;
 - c. Director of Finance;
 - d. Planning & Development Director;
 - e. Director of Department of Public Works;
 - f. Chief Legal Officer;
 - g. Chief Personnel Officer.~~⁵
- ~~17. Recommend, subject to the Council's approval, the following appointments: City Clerk and City Auditor.~~⁶
- ~~18. With the exception of those positions set forth in paragraphs 16 and 17, appoint all department heads, division heads and management positions, including the City Treasurer, Purchasing Director and the City Assessor, subject to any collective bargaining agreement(s) that may be applicable.~~⁷

^{4, 5, 6, 7} Amended by RTAB Resolution 2016-1 on January 22, 2016; approved by State Treasurer on January 22, 2016.

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- ~~19. Ensure that all appointment processes, whether by the Mayor, Council or City Administrator, are open, competitive, and administered by the Human Resources Department or a qualified recruitment firm, with selection of the most qualified candidate to be based on defined education, experience, and professional standards appropriate to the position.~~⁸
- ~~20. All appointments made pursuant to paragraphs 15, 16 and 17 shall serve at the pleasure of the City Administrator based on performance review.~~⁹
21. Review current and potential litigation and labor disputes with the City Attorney and Mayor, and as needed the Board, and have complete decision-making authority on behalf of the City, on all matters of litigation and labor disputes, including the ability to settle or initiate lawsuits and resolve labor disputes. The Mayor and City Council shall be consulted on such matters prior to implementation. CHIEF LEGAL OFFICER, CHIEF FINANCIAL OFFICER, MAYOR, AND CITY COUNCIL, AND WITH THE CONCURRENCE OF THE CHIEF LEGAL OFFICER, PROPOSE TO THE MAYOR, AND CITY COUNCIL CONSISTENT WITH SECTION 4-604 OF THE CITY CHARTER, THE SETTLEMENT OR INITIATION OF LITIGATION OR RESOLUTION OF A LABOR DISPUTE. A PROPOSED SETTLEMENT OR INITIATION OF LITIGATION OR RESOLUTION OF A LABOR DISPUTE SHALL CONTAIN A DETAILED STATEMENT BY THE CHIEF FINANCIAL OFFICER INDICATING THE ESTIMATED FINANCIAL IMPACT UPON THE CITY FOR EACH FISCAL YEAR AFFECTED BY THE PROPOSED SETTLEMENT OR INITIATION OF LITIGATION OR RESOLUTION OF A LABOR DISPUTE. A PROPOSED SETTLEMENT OR INITIATION OF LITIGATION OR RESOLUTION OF A LABOR DISPUTE SHALL NOT BE EFFECTIVE UNLESS APPROVED BY THE BOARD.¹⁰
22. Negotiate all collective bargaining agreements on behalf of the City.
23. Work collaboratively with the City Council, the Mayor, other City or State officials and the Board to successfully transition to the termination of receivership for the City by supporting, implementing, and maintaining the financial and operating plans and the reforms instituted by the City's emergency managers, including but not limited to, the financial and operating plan for the city under Section II Act 436, and by providing appropriate training and explanation of City operations.
24. Serve as an official City representative before the Board, State departments and agencies, and the Michigan Legislature, with assistance from the Finance Director and the Mayor.
- ~~25. Be responsible for and vested with full authority necessary to effectively direct and supervise the day-to-day operations of the City by seeing that all laws and ordinances are faithfully executed, preparing the proposed annual budget as recommended by the~~

^{8,9} Amended by RTAB Resolution 2016-1 on January 22, 2016; approved by State Treasurer on January 22, 2016.

¹⁰ Amended by RTAB Resolution 2016-3 on March 31, 2016; approved by State Treasurer on April 5, 2016. Amended subsequently by RTAB Resolution 2016-5 on October 26, 2016; approved by State Treasurer on October 28, 2016.

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~~Finance Director and any accounting firm retained by the City, and supervising the expenditures of all sums appropriated to and the attainment of all objectives established for departments of the executive branch of the City and working collaboratively with all officers and officials to effectively execute daily operations.~~¹¹

26. Ensure that a rolling six-year capital improvement plan is annually prepared in accordance with applicable law and the City's Code of Ordinances. Coordinate with the Mayor on the annual preparation of a rolling two-year budget.
27. ~~Review, approve and co-sign with the Mayor all contracts on behalf of and entered into by the City and modify or terminate any current contract with the City.~~¹²
28. Approve all financial policies, City policies and procedures, job descriptions and personal [sic] policies for the City, after consultation with the Mayor and City Council.
29. Designate check signers on all City bank accounts.
30. Refer City Council communications to the appropriate City employee or investigate such matter(s) and inform the City Council of the results of such efforts. Provided, however, when responding to City Council referrals, the City Administrator shall have discretion to utilize the personnel and resources the City Administrator deems reasonable and so as to avoid unnecessary interruption of services or incurrence of unnecessary costs.
31. ~~Any investigation by the City Council, as contemplated by Charter §3-205 and §3-206, including the power to subpoena witnesses, shall be subject to the City Administrator's review and approval, so as to avoid unnecessary interruption of services or incurrence of unnecessary costs.~~¹³
32. In the event the Mayor or City Council fails to perform any duty or take any required action after having been afforded a reasonable opportunity to do so, the City Administrator may perform the duty or function of the Mayor or Council upon approval of the Board.
33. (1) NOTWITHSTANDING ANY PROVISION OF THIS ORDER TO THE CONTRARY, BUT SUBJECT TO ANY LIMITATIONS CONTAINED IN THE CITY'S CHARTER, THE MAYOR IS AUTHORIZED TO APPOINT A CITY ADMINISTRATOR AND THE HEAD OF EACH EXECUTIVE DEPARTMENT OF THE CITY GOVERNMENT (COLLECTIVELY THE "APPOINTED POSITIONS"), ALL OF WHICH APPOINTEES SHALL SERVE AT THE PLEASURE OF THE MAYOR.

(2) WITHIN 30 CALENDAR DAYS OF A VACANCY OCCURRING IN AN APPOINTED POSITION, THE MAYOR SHALL SUBMIT IN WRITING TO THE BOARD FOR ITS REVIEW AND APPROVAL THE MINIMUM PROFESSIONAL OR OCCUPATIONAL QUALIFICATIONS TO BE UTILIZED BY THE MAYOR

^{11, 12, 13} Amended by RTAB Resolution 2016-4 on May 26, 2016; approved by State Treasurer on July 7, 2016.

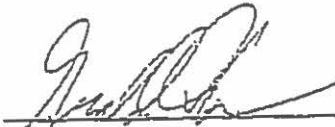
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TO SELECT A SUITABLE INTERIM OR PERMANENT APPOINTEE FOR THE APPOINTED POSITION AND THE MINIMUM AND MAXIMUM SALARY RANGE FOR THE APPOINTED POSITION. APPROVAL BY THE BOARD OF MINIMUM PROFESSIONAL OR OCCUPATIONAL QUALIFICATIONS AND THE MINIMUM AND MAXIMUM SALARY RANGE SHALL BE CONDITIONS PRECEDENT TO THE EXERCISE OF THE MAYOR'S AUTHORITY TO SELECT AN INTERIM OR PERMANENT APPOINTEE FOR AN APPOINTED POSITION. ¹⁴

34. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ORDER TO THE CONTRARY THAT CONCERNS THE AUTHORITY, DUTIES, AND RESPONSIBILITIES OF THE CITY ADMINISTRATOR, THE CITY COUNCIL IS AUTHORIZED TO EXERCISE THE AUTHORITY, DUTIES, AND RESPONSIBILITIES VESTED IN THE CITY COUNCIL BY THE CITY'S CHARTER, SUBJECT TO ANY LIMITATIONS CONTAINED IN THE CITY'S CHARTER, INCLUDING SECTION 3-207, AND SUBJECT TO APPROVAL BY THE BOARD PURSUANT TO THE ACT OR FLINT EMERGENCY MANAGER AMBROSE ORDER NO. 20. ¹⁵

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

Dated: 4/15/15

By: 
Gerald Ambrose
Emergency Manager
City of Flint

cc: State of Michigan Department of Treasury
Mayor Dayne Walling
Flint City Council
Inez Brown, City Clerk

¹⁴ Amended by RTAB Resolution 2016-1 on January 22, 2016; approved by State Treasurer on January 22, 2016.
¹⁵ Amended by RTAB Resolution 2016-4 on May 26, 2016; approved by State Treasurer on July 7, 2016. The Resolution provided, *inter alia*, "[t]hat the continuing effect of the amendments to Flint Emergency Manager Ambrose Order No. 3 contained in this Resolution are subject to disapproval and rescission by the Board within 90 days after the effective date of this Resolution." The Resolution restored City Council authority "to exercise the authority, duties, and responsibilities vested in the City Council by the City's charter, subject to any limitations contained in the City's charter, including Section 3-207, and subject to approval by the Board pursuant to the Act or Flint Emergency Manager Ambrose Order No. 20." The Resolution also provided that during the 90-day period succeeding the effective date of the Resolution, the Board could rescind restoration of City Council authority. At its August 10, 2016, meeting the Board amended the Resolution (but not Flint Emergency Manager Ambrose Order No. 3) to extend to December 14, 2016, the deadline by which the Board can rescind restoration of City Council authority.