



STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
LANSING

RICK SNYDER  
GOVERNOR

NICK A. KHOURI  
STATE TREASURER

Amendment to City of Pontiac Emergency Manager Order S-334 as amended April 23, 2014:


1. **Recommended Change to EM Order** -- The City of Pontiac is requesting to amend EM Order S-334 to hire a Community Relations Specialist and a Customer Service Representative, both who shall report directly to the Mayor.
2. **Justification for Recommendation** -- With the significant improvement of the finances of the City of Pontiac, the Mayor and City Administrator have agreed to request two new-full time positions to assist the Mayor in fulfilling her vision for Pontiac, and that both those positions shall report directly to the Mayor. These two new full-time positions will provide the Mayor the staffing to carry out the Mayor's vision for the City. The new staff will also allow the Community Development Department staff to fulfill its duties and responsibilities under the ordinance.

State Treasurer Approval:

I, Nick A. Khouri, State Treasurer for the State of Michigan, pursuant to the authority assigned by the Governor of the State of Michigan at the time of appointment of the Receivership Transition Advisory Board, do hereby:

Approve Submitted Recommendation

Deny Submitted Recommendation

  
\_\_\_\_\_  
N. A. Khouri, State Treasurer  
Michigan Department of Treasury

\_\_\_\_\_  
Date 7/6/15

**CITY OF PONTIAC  
OFFICE OF THE EMERGENCY MANAGER**

**LOUIS H. SCHIMMEL**

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**Dated:** August 19, 2013  
**Amended:** March 26, 2014  
**Amended:** April 23, 2014  
**Amended:** July 06, 2015

**ORDER NO.** S-334

**RE:** Rectification of Financial Emergency under Public Act 436 of 2012

**TO:** Joseph M. Sobota, City Administrator/Community Development Director  
Sherikia Hawkins, City Clerk  
Leon Jukowski, Mayor  
John Naglick, Finance Director  
Pontiac City Council  
Pontiac Election Commission  
Pontiac Tax Increment Finance Authority

The Local Financial Stability and Choice Act, 2012 PA 436, MCL 141.1541 to 141.1575 ("Act 436") in Section 10(1) states that "[a]n emergency manager shall issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government the orders the emergency manager considers necessary to accomplish the purposes of [the] act, including, but not limited to, orders for the timely and satisfactory implementation of a financial and operating plan ... or to take actions, or refrain from taking actions, to enable the orderly accomplishment of the financial and operating plan." Any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

*WHEREAS*, the Emergency Manager has issued under Section 11 of Act 436 a financial and operating plan for the City of Pontiac ("City") to operate with a balanced budget while meeting the public health and safety needs of City residents; and

*WHEREAS*, the Emergency Manager has adopted a two-year budget under Section 21 of Act 436 that reflects the implementation of the financial and operating plan; and

*WHEREAS*, the two-year budget adopted by the Emergency Manager is structurally balanced; and

*WHEREAS*, under Section 22 of Act 436, the Emergency Manager has determined that the financial emergency in the City has been rectified and has informed the Governor and the State Treasurer of that determination; and

*WHEREAS*, if the Governor agrees that the financial emergency has been rectified, Section 23 of Act 436 authorizes the Governor, before removing a local government from receivership, to appoint a receivership transition advisory board ("Board") to monitor the affairs of the local government until the receivership is terminated; and

*WHEREAS*, by a letter dated August 16, 2013, the Emergency Manager notified the Governor of the determination that the financial emergency in the City has been rectified and recommended that the Governor appoint a Board for the City under the terms and conditions of this Order;

It is hereby ordered:

I. If the Governor appoints a Board, in addition to any limitations ordered by the Governor, City officials shall also perform or refrain from performing the duties, functions, functions, and responsibilities set forth in this Order as follows:

**A. The City Administrator shall:**

- a. Work collaboratively with the City Council, the Mayor and Deputy 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 financial managers and emergency managers, including but not limited to, the financial and operating plan for the city under Section II of Act 436, and by providing appropriate training and explanation of City operations.
- b. Serve as the official and exclusive City representative before the Board, state departments and agencies, and the Michigan Legislature, with assistance from the Finance Director, the Mayor and Deputy Mayor.
- c. Attend all City Council meetings and report to the Council regarding the overall operation and direction of the City.
- d. Communicate regularly and coordinate with, as necessary, the 50th District Court.
- e. Report to the Board on behalf of the City regarding the overall operation and direction of the City.
- f. 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.

- g. 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, presenting the proposed annual budget as recommended by the 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.
- h. Direct and supervise all City departments, agencies, officers, and functions.
- i. Hire or retain department heads and other City employees, with the exception of the Deputy Mayor, subject to the approval of the Board, who are qualified and capable to perform the duties of the positions they will hold. However, City Council may exercise authority under the City's Charter regarding the confirmation of department heads, with City Council confirmation decisions subject to final approval or disapproval by the Board.
- j. Review current and potential litigation with the City Attorney the Mayor, and as needed with the Board.
- k. Confirm the appointment or reappointment of qualified individuals to boards and commissions as terms expire or vacancies arise as made by the Mayor and Council, subject to the approval or disapproval by the Board.
- l. Facilitate the retention and purging of records in accordance with the City's record retention policy and applicable law.
- m. 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 and Deputy Mayor on the annual preparation of a rolling two-year budget.
- n. Submit proposed, capital improvement plans and deficit elimination plans to the Michigan Department of Treasury's Office of Fiscal Responsibility for review and recommendation before submittal to the Mayor, City Council, and the Board. Coordinate with the Mayor and Deputy Mayor to ensure submission of budgets to the Michigan Department of Treasury's Office of Fiscal Responsibility.
- o. Provide to the Mayor, City Council, and the Board by the 20th calendar day following the end of each month monthly budget comparison schedules, balance sheets, and a cash balances report by fund and by bank account, as prepared by the Finance Director. These reports are to be reviewed monthly with the Mayor.
- p. Provide monthly to the Mayor, City Council, and the Board a status report of property tax and income tax collections and outstanding balances compared to information from the same period of the prior year, as prepared by the Finance Director. An analysis that comments on current collections, projections for future collections, and strategies to more

effectively collect taxes and delinquent taxes shall be included. Such reports shall be provided by the 20th calendar day following the end of each month. The City Administrator may on behalf of the City enter into an agreement with the Oakland County Treasurer or another tax collecting unit to provide for the collection of property taxes on behalf of the City.

- q. Provide quarterly to the Mayor, City Council, and to the Board a general fund cash flow forecast, as prepared by the Finance Director.
- r. Provide quarterly to the Mayor, City Council, and the Board by the 20th calendar day following the end of each quarter detail revenue and expenditure budget-to-actual reports of each budgeted fund, as prepared by the Finance Director.
- s. Sign all contracts on behalf of and entered into by the City and modify or terminate any current contract with the City, subject to approval of the Board. All contracts should be reviewed with the Mayor prior to submission to the Board.
- t. Have complete decision making authority on behalf of the City, subject to approval of the Board, on all matters of litigation, including the ability to settle or initiate lawsuits. This includes, without limitation, the ability to initiate condemnation proceedings regarding the Phoenix Center. The Mayor and City Council must be consulted on such matters prior to implementation.
- u. The City Administrator may recommend to the Board modifications to any order issued by an emergency manager or emergency financial manager that is necessary for the effective and efficient operation of the City. All such modifications must be discussed with the Mayor prior to submission to the Board.
- v. Sign the conditional zoning and lease agreements with Rizzo Services for the lease of the Kennett Road landfill site, subject to approval by the Board.
- w. Sign all conditional zoning and development agreements for the MI Concourse, subject to approval by the Board.
- x. Approve all financial policies, City policies and procedures, job descriptions and personnel policies for the City, after consultation with the Mayor and City Council and subject to approval of the Board.
- y. Designate check signers on all City bank accounts, subject to approval of the Board.
- z. Have complete authority to approve contracts, purchases, or change orders up to \$10,000 in value. Consult with the Mayor and City Council before approving any purchase or change order in excess of \$10,000.01, subject to approval of the Board. If the contract or purchase is of an emergency nature, on the condition that the City Administrator shall justify the emergency in writing, and the Finance Director shall present a fiscal report that identifies the short-term cost, long-term cost, and funding sources. Such information

must be presented in electronic format to the Board at least one hour before the contract is signed or the purchase is authorized. Regardless of amount, if the contract or purchase is directly related to any program funded entirely by the City's Community Development Block Grant or Neighborhood Stabilization Program allocation that is administered by Community & Home Improvement Division of Oakland County's Department of Economic Development & Community Affairs, and the County's program administrator approves such contract or purchase, and no City funds will be used to pay for such contract or purchase, then the contract or purchase does not require the approval of the Mayor, City Council, or Board, and therefore the contract or purchase is considered approved.

- aa. Facilitate publishing on the City's website on a weekly basis, a register of all disbursements issued by the City.

**B. The Mayor shall:**

- a. Work with the City Council, the City Administrator, 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 financial managers and emergency managers, including, but not limited to, the financial and operating plan for the city under Section 11 of Act 436.
- b. Assist the City Administrator in serving as the official city representative before the Board, state departments and agencies, and the Michigan Legislature, along with the Finance Director.
- c. Serve as the primary contact between the City Council and the City Administrator, to the extent not otherwise inconsistent with this Order.
- d. Appoint a deputy mayor, subject to the requirements of the City's position job description, with confirmation from the Council, and the Board, to serve at the pleasure of the Mayor.
- e. Deliver a state of the city address as required by the Charter.
- f. Cooperate with and assist the City Administrator in effectively directing and supervising the day-to-day operations of the City by seeing that all laws and ordinances are faithfully executed, presenting the proposed annual budget, as recommended by the Finance Director and any accounting firm trained by the City.
- g. Ensure, in coordination and consultation with the Deputy Mayor, the City Administrator, and the Finance Director, that the expenditures of all sums appropriated to and the attainment of all objectives established for departments of the executive branch of the City.

- h. Recommend to the City Administrator qualified and capable department heads.
- i. Review current and potential litigation with the City Administrator and City Attorney.
- j. Appoint or reappoint qualified individuals to boards and commissions as terms expire or vacancies arise, subject to the approval of the City Administrator and Board.
- k. Ensure that the rolling two-year budget is annually prepared in accordance with applicable law and the City's Code of Ordinances, with a goal of an unassigned fund balance in the General Fund of at least fifteen percent. Also ensure that the City's multi-year Financial and Operating Plan (dated June 7, 2013) is maintained and followed. This is to be done in coordination and consultation with the Deputy Mayor, the City Administrator, and the Finance Director.
- l. Ensure that the proposed draft budget is submitted to the Michigan Department of Treasury's Office of Fiscal Responsibility for review and recommendation in conjunction with submittal to the City Administrator, City Council, and the Board.
- m. Annually make fee schedule recommendations, after consultation with the City Administrator, to the City Council and the Board for approval.
- n. Review with the City Administrator, all financial reports prepared by the Finance Director before submission to the City Council and the Board.
- o. Coordinates with the City Administrator and City Attorney in resolving the Phoenix Center litigation in a manner consistent with Emergency Manager Orders or associated documents.
- p. Upon the advice of the City Attorney, sign the demolition contract with Adamo for the demolition of the Phoenix Center as previously procured by the City.
- q. In consultation with the City Administrator, ensures the resolution of retiree other post-employment benefit funding issues in a manner consistent with Emergency Manager Orders or associated documents.
- r. In consultation with the City Administrator, identifies a funding source for Police and Fire VEBA funding in a manner consistent with Emergency Manager Orders or associated documents.
- s. Consults with the City Attorney and City Administrator regarding any legal advice concerning any lawsuits involving litigation surrounding the General Employees Retirement System and/or retiree health care.
- t. Coordinates all proposed economic and redevelopment projects, in consultation with the City Administrator, and ensures that all projects are submitted for approval and

authorization by the Board. Manages the City's federal housing demolition programs in a manner consistent with standing Emergency Manager Orders or associated documents. Works cooperatively with the City Administrator, relevant City staff, Oakland County, and any partnering agencies or organizations in developing, coordinating, and implementing the economic recovery plan with Oakland County to successfully enhance the growth and economic development of the City. Ensures continued participation in the Oakland County One-Stop Ready program and ensures that that all elected and appointed officials receive the appropriate training.

- u. Appoint a Community Relations Specialist and a Customer Service Representative, with the consent of the City Administrator and the Board, who shall report directly to the Mayor.

**C. The City Council shall:**

- a. Work with the Mayor, the City Administrator, and 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 plan and the reforms instituted by the City's emergency financial managers and emergency managers including but not limited to, the financial and operating plan for the city under Section II of Act 436.
- b. Operate as a public body in accordance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275 ("OMA"), and under written policies and procedures adopted by the Council, subject to approval by the City Administrator and the Board.
- c. Act for the City only by ordinance, which has been reviewed by the City Attorney, or resolution, all of which are subject to approval by the City Administrator and the Board unless the Board designates otherwise. However, Board approval of resolutions that approve minutes of the City Council or are procedural or incidental in the operation of a council meeting or ceremonial shall not require approval of the Board.
- d. Restructure Council policies and procedures to ensure all items submitted to the City Council are placed automatically on the first available meeting agenda by the City Clerk for consideration by the entire Council.
- e. Provide in its policies and procedures that if an item requires action by the City Council, and such action item must occur on a day that an agenda review meeting is scheduled) that Council can add such action item to an agenda without calling a special meeting.
- f. Provide in its policies and procedures that public comment on non-agenda items shall be placed on the agenda just before adjournment and public comment shall be limited at the beginning of the meeting to agenda items only, with a three-minute limit per speaker for both parts.



- g. Ensure that all Council agenda packets (excluding information not subject to disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 ("FOIA"), or other applicable law) be published online 48 hours before each council meeting.
- h. Timely approve or disapprove appointments to city office when confirmation or other approval by City Council is required by charter and ordinance or applicable law. If an appointment requires approval by the City Administrator or Board, the City Council may not consider the appointment until the appointment is approved by the City Administrator or Board. Disapproval of an appointment by the City Council may be overturned by the Board.
- i. In accordance with applicable law and local ordinance, reappoint, appoint, or confirm mayoral appointments in a timely manner qualified individuals to boards and commissions as terms expire or vacancies arise. If an appointment requires approval by the City Administrator or Board, the City Council may not consider the appointment until the appointment is approved by the City Administrator or Board.
- j. Upon the vacancy in the office of City Clerk, appoint a Clerk who meets the qualifications outlined in the Code of Ordinances and is capable of performing the duties of Clerk, after first submitting the proposed appointment of the City Clerk to the City Administrator and the Board and obtaining approval by the City Administrator and the Board.
- k. Take action necessary to approve interlocal agreements, transfer contracts, or other intergovernmental agreements to facilitate shared services and consolidation with other governmental entities and the efficient provision of governmental services for City residents as recommended by the City Administrator or the Board, including but not limited to an agreement with the Oakland County Treasurer, or other tax collecting unit, providing for the collection of City taxes.

**D. The City Council, or any member, shall not:**

- a. Supervise, or give any order or direction, either publicly or privately, to any appointee or employee of the executive branch, including, but not limited to, the City Administrator.
- b. Terminate any City employee unless the termination has been previously approved by the City Administrator and the Board.
- c. Appoint any staff to City Council or contract for services for City Council unless the Board first authorizes a budget appropriation for that purpose and the staff member or contract for services, unless the staff member or contract for services has been first approved by the City Administrator and the Board.
- d. Authorize the appointment of a Chief Assistant Clerk by the City Clerk unless such person is qualified in accordance with the Code of Ordinances and capable of performing

the functions and duties of the office and has been approved by the City Administrator and the Board.

- e. Adopt any ordinance that establishes the office of Legislative Auditor or appoint a Legislative Auditor or contract with anyone to perform the duties of Legislative Auditor unless such ordinance, appointment, or contract is approved by the City Administrator and the Board and provided in the budget.

**E. The Mayor, City Administrator, and City Council shall:**

- a. Carefully consider legal advice provided by the City Attorney concerning any lawsuits involving litigation surrounding the General Employees Retirement System and/or retiree health care, with any action subject to final approval of the City Administrator and the Board.
- b. After consultation with the City Attorney, the Mayor and Deputy Mayor, and City Administrator, continue to allow all litigation concerning the Phoenix Center to be completed and allow the demolition of the structure as identified by the Emergency Manager in the Financial and Operating Plan for the City adopted under Section II of Act 436, authorize the preparation of plans required to restore Saginaw and Orchard Lake roads, and sell the remaining parcels of land at a public auction, subject to formal approval of the Board.
- c. After consultation with the City Attorney and City Administrator, facilitate the completion of the conversion and mitigation process in accordance with rules and process established by the Michigan Department of Natural Resources for Galloway Park and the Hayes Jones property, subject to final approval of the Board.
- d. After consultation with the City Attorney and City Administrator, pass all resolutions required to formalize the conversion and mitigation of the Hayes Jones and Galloway Park transactions, subject to final approval of the Board.
- e. Carefully consider legal advice provided by the City Attorney concerning any lawsuit involving any action taken by the Emergency Manager, Emergency Financial Manager, or City Administrator, and take any related action only with approval by the Board.
- f. Carefully consider legal advice provided by the City Attorney concerning the resolution or settlement of all existing labor grievances, arbitrations and lawsuits, and take any related action only with approval by the Board.
- g. Designate the City Administrator as the person who will negotiate any collective bargaining agreements between the City and City employees or their authorized representatives.

- h. Present to the Board for approval, after appropriate review by the Mayor and City Administrator and any necessary action by the City Council, any tentative collective bargaining agreements or other memorandums of understanding between the City and City employees or their authorized representatives.
- i. Designate the Finance Director as the City's representative in all 50th District Court collective bargaining sessions.
- j. Annually receive training on the Open Meetings Act, and reading and understanding financial statements and financial reports from professionally recognized organizations.
- k. Unless otherwise approved by the Board, continue to participate in the Oakland County One-Stop Ready program and ensure that all elected and appointed officials receive the appropriate training.
- l. Ensure that all planning commissioners, zoning board of appeals members, and members of the board of review annually receive proper training to assist them in the fulfillment of their roles and responsibilities and remove members who fail to receive adequate training.
- m. Order that all board and commission agendas (at least 48 hours before the meeting) and minutes (draft and approved when prepared) be posted online.
- n. Adopt appropriate resolutions, take other action, including by not limited to the submission of forms, to the Michigan Department of Treasury, by the applicable deadline as necessary to ensure 100% receipt of all state shared revenue the City is eligible to receive. The Board is not required to approve resolutions or actions under this paragraph.
- o. Review all financial reports submitted by the City Administrator and file the reports with the official record no later than the final regular meeting of the following month or quarter being reported. The Finance Director shall present such reports to the City Council, Mayor, and City Administrator no later than the twentieth calendar day of each month following the end of each month.
- p. Subject to the requirements of the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.421 to 141.440a, the City's Code of Ordinances, other applicable state laws, and this Order, adopt, monitor, and amend a rolling two-year budget and six-year capital improvement plan in accordance with the budget calendar established by ordinance and as recommended by the Finance Director and any accounting firm retained by the City and submit such proposed budget and amendments to the Board for approval. However, the two-year budget adopted by the Emergency Manager shall not be amended without the approval of the State Treasurer. If, during a fiscal year, it appears to the City Administrator, Mayor, or to the City Council that the actual and probable revenues from taxes and other sources in a fund are less than the estimated revenues, including an available surplus upon which appropriations from the fund were based and the proceeds from bonds or other obligations issued under the Fiscal Stabilization Act, 1981 PA 80,

MCL 141.1001 to 141. 1011, or the balance of the principal of these bonds or other obligations, the Mayor, after consultation with the City Administrator and the Finance Director shall present to the City Council recommendations which, if adopted, would prevent expenditures from exceeding available revenues for the fiscal year. The recommendations shall include proposals for reducing appropriations from the fund or budgetary centers in a manner that would cause the total of appropriations to not be greater than the total of revised estimated revenues of the fund, or proposals for measures necessary to provide revenues sufficient to meet expenditures of the fund, or both. The recommendations shall recognize the requirements of applicable law and the provisions of any applicable collective bargaining agreements. The recommendations must be approved by the Board. Should the City Council fail to approve a budget or a budget amendment as recommended by the Mayor, the Mayor, after consultation with the City Administrator shall present the budget or budget amendment to the Board and the Board may approve said budget or budget amendment on behalf of the City.

- q. Engage in prudent financial management with the goal of achieving the creation of an unassigned fund balance in the General Fund that represents at least fifteen percent of projected and budgeted expenditures for the subject fiscal year before the City engages in additional discretionary spending.
- r. Annually review, upon preparation and adoption of the budget, all fees and make recommendations subject to approval of the City Administrator and the Board. Should the City Council fail to approve a fee schedule as recommended by the Mayor, the Mayor, after consultation with the City Administrator shall present such fee schedule to the Board, and the Board may approve the fee schedule on behalf of the City.
- s. Review any adopted deficit elimination plans for compliance, amend such plans if necessary, and transmit such amended plans to the City Administrator and the Board for approval.
- t. Review proposed expenses associated with elections.
- u. Annually review an inventory of City assets.
- v. Review general property, liability, and motor vehicle insurance levels and coverage upon preparation and adoption of the budget, and authorize coverage subject to approval of the City Administrator and the Board.
- w. Review and recommend to the Mayor, the City Administrator and the Board the issuance of any debt (i.e. entering into any agreement whereby the city is required to pay principal and interest over time); debt may be issued only upon approval of the Board.
- x. Unless otherwise approved by the City Administrator and the Board, continue having Oakland County serving as grantee for all CDBG, HOME, and NSP and adopt all resolutions and sign all documents required to maintain this arrangement when necessary.

- y. Review proposed economic and redevelopment projects and authorize only upon the approval of the Board.
- z. Unless otherwise approved by the Board, refer all brownfield redevelopment plans approved by the Board to Oakland County to manage under the Oakland County Brownfield Redevelopment Authority.

**F. The Mayor and City Council shall not:**

- a. Cancel, amend, or impair any contract signed by the Emergency Manager or terminate any professional consultants currently providing the City with services, including, but not limited to, attorneys, auditors, or accountants, without the approval of the City Administrator and the Board
- b. Hire any professional consultants, including attorneys, auditors, or accountants. The City Administrator shall have full authority to hire such professionals with the approval of the Board.
- c. Terminate the employment of any full-time employee, except the Deputy Mayor which serves at the pleasure of the Mayor, unless such termination is approved by the City Administrator and the Board. This provision does not create a just-cause termination for at-will employees.
- d. Hire any person to any full-time or part-time positions, other than election inspectors who are hired by the Election Commission, unless the hiring is approved by the City Administrator and the Board.
- e. Create any full-time positions not identified in the Financial and Operating Plan for the City dated June 7, 2013 or as amended, or the City's budget document prepared by the Emergency Manager unless approved by the City Administrator and the Board.
- f. Modify the salary, benefit package, or employment agreement of any employee unless approved by the City Administrator and the Board. The City Administrator shall have full authority to modify the salary, benefit package, or employment agreement with the approval of the Board. The Mayor and Council shall be consulted prior to submission to the Board.
- g. Approve any compensation or salary paid to appointees, members of boards or commissions, or employees of the City except as approved by the City Administrator and the Board. The City Administrator shall have full authority to approve or modify the salary, benefit package, or employment agreement with the approval of the Board. The Mayor and Council shall be consulted prior to submission to the Board.

- h. Change the compensation of any elected official unless such change in compensation is properly recommended by the Local Officers Compensation Commission, acted upon by the City Council, and ultimately approved by the City Administrator and the Board.
- i. Modify or sign any collective bargaining agreements or memorandum of understanding unless approved by the City Administrator and the Board.
- j. Modify any job descriptions without the approval of the City Administrator and the Board.
- k. Amend any financial, personnel, or operating policy adopted by the Emergency Manager or create any new financial, personnel, or operating policies unless approved by the City Administrator and the Board.
- l. Waive or amend any user fees or penalties except upon recommendation of the Finance Director and approval of the City Administrator and the Board.
- m. Reduce any property tax millage rate below the current rate or the maximum rate allowed by the Headlee Amendment unless recommended by the Finance Director and approved by the City Administrator and the Board.
- n. Create any special assessment district unless recommended by the Finance Director and approved by the City Administrator and the Board.
- o. Authorize any tax increment finance plan, brownfield redevelopment plan, neighborhood enterprise zone, obsolete property certificate, industrial facilities exemption, or any other property tax exemption without approval of the City Administrator and the Board.
- p. Apply for any grants or loans until the Finance Director prepares and presents to the Mayor a fiscal report that identifies the short-term cost, long-term cost, and funding sources. In addition, all department heads that will assume responsibilities under the grant must also provide an administrative report that will identify the impact on departmental operations. Such grant applications must be approved by the City Administrator and the Board.
- q. Sell, lease, exchange, or in any way dispose of any real property without approval of the City Administrator and the Board, and only after public notice and hearing. However, parcels in which a purchase agreement was previously executed by the Emergency Manager; Lot 5, Lot 1AH, and Lot 1AP; or parcels one acre or less that have already gone before public hearing before the Emergency Manager and had prices established, shall be exempt from Board approval provided that the property is sold at the price authorized by the Emergency Manager. The City Administrator and Clerk shall be authorized to sign the deeds on behalf of the City and the Executive Director of the Tax Increment Finance Authority and the Authority's secretary shall be authorized to execute deeds on behalf of the Authority.

- r. Sell, lease, exchange, or in any way dispose of any personal property of the City, except such personal property as may be defined as minor in the Code of Ordinances, without approval of the City Administrator and the Board, and only after public notice and hearing.
- s. Initiate any eminent domain proceedings unless approved by the City Administrator and the Board.
- t. Adopt any ordinance that will require City Council approval of any specific new business license in the City, unless approved by the City Administrator and the Board.
- u. Adopt any ordinance that provides that the City Council is the decision making body on the condemnation of any property, unless approved by the City Administrator and the Board.
- v. Change any election precinct boundaries unless approved by the City Administrator and the Board.
- w. Settle any grievance or mediation or arbitration unless recommended by the City Attorney and approved by the City Administrator and the Board.
- x. Initiate or settle any lawsuit) Michigan Tax Tribunal, or State Tax Commission case unless recommended by the City Attorney and approved by the City Administrator and the Board.
- y. Enter into any interlocal agreement, contract for the transfer of functions and responsibilities, or other intergovernmental agreements unless required by this order or recommended by the Finance Director and City Attorney and approved by the City Administrator and the Board.
- z. Create or appoint any building authority, downtown development authority, economic development corporation, or any other type of authority permitted by state law unless such creation is approved by the City Administrator and the Board.

G. The Tax Increment Finance Authority shall not:

- a. Initiate or settle any lawsuit, Michigan Tax Tribunal, or State Tax Commission case unless recommended by the City Attorney and approved by the City Administrator and the Board.
- b. Permit any potential tax free development except with the approval of the City Administrator and the Board.
- c. Acquire any real property except with the approval of the City Administrator and the Board.

- d. Amend or abolish any existing or create any new tax increment finance plan except with the approval of the City Administrator and the Board.
- e. Amend or abolish any existing or create any new development agreement or mortgage except with the approval of the City Administrator and the Board.
- f. Adopt any budget for the authority except with coordination and consultation with the Mayor and the approval of the City Administrator and the Board.
- g. Hire any staff or engage in any professional service contract except with the approval of the City Administrator and the Board.
- h. Authorize any expenditure other than the payment of principal and interest and associated fees on outstanding bonds except with the approval of the City Administrator and the Board.
- i. Enter into any interlocal agreement, contract for the transfer of functions and responsibilities, or other intergovernmental agreements unless required by this order or recommended by the Finance Director and City Attorney and approved by the City Administrator and the Board.

H. The Election Commission shall not change any election precinct site unless approved by the City Administrator and the Board.

2. All Orders or parts of Orders, except such Order that created the position of City Administrator, issued by any emergency financial manager or emergency manager for the City in conflict with any of the provisions of this Order are hereby repealed.

3. Should any section, clause, or provision of this Order be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall there by cease to be a part of this Order, but the remainder of this Order shall stand and remain in full force and effect.



**The Order is effective immediately.**

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of FOIA and subject to applicable or available FOIA exemptions.

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager under Act 436 and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury