



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

NICK A. KHOURI
STATE TREASURER

**RECEIVERSHIP TRANSITION ADVISORY BOARD
FOR
THE CITY OF FLINT**

RESOLUTION 2017-1

**REPEALING EMERGENCY MANAGER BROWN ORDER No. 5 AND
AMENDING EMERGENCY MANAGER AMBROSE ORDER No. 20**

WHEREAS, Section 23(1) of Public Act 436 of 2012, the Local Financial Stability and Choice Act (the "Act"), provides that "[b]efore removing a local government from receivership, the governor may appoint a receivership transition advisory board to monitor the affairs of the local government until the receivership is terminated"; And

WHEREAS, Section 23(2) of the Act provides that "[a] receivership transition advisory board shall consist of the state treasurer or his or her designee, the director of the department of technology, management, and budget or his or her designee, and, if the local government is a school district, the superintendent of public instruction or his or her designee. The governor also may appoint to a receivership transition advisory board 1 or more other individuals with relevant professional experience, including 1 or more residents of the local government"; And

WHEREAS, Section 23(5)(h) of the Act authorizes a receivership transition advisory board to perform, in addition to duties specified in the Act, "any other duties assigned by the governor at the time the receivership transition advisory board is appointed"; And

WHEREAS, on April 29, 2015, the Governor appointed a Receivership Transition Advisory Board for the City of Flint (the "Board"). The Governor's appointment letter authorized the

Board to, among other things, “[r]ecommend amendments, modifications, repeal, or termination of Emergency Manager Order No. 20, or any other Flint Emergency Manager orders, to the State Treasurer;” And

WHEREAS, on December 12, 2011, Flint Emergency Manager Brown Order No. 5 eliminated the Office of Ombudsman that was established by §§ 3-501 through 3-517 of the City Charter; And

WHEREAS, on April 15, 2015, Flint Emergency Manager Ambrose Order No. 20, Paragraph 4(d), provision 2), prohibited funding for the Office of Ombudsman or the Civil Service Commission; And

WHEREAS, at the primary election on August 8, 2017, the electors of the City of Flint adopted a new City Charter (the “new City Charter”) that will become effective January 1, 2018. The new City Charter requires, inter alia, appointment of an Ombudsperson that shall exercise the powers and perform the duties set forth in the new City Charter, and authorizes the establishment of an Office of Ombudsperson; And

WHEREAS, it has not been conclusively determined that the elimination of the Office of Ombudsman in the City Charter, and the continuing prohibition against funding the same, will legally preclude under the new City Charter appointment of an Ombudsperson, or the establishment of an Office of Ombudsperson and funding the same. Nevertheless, for an avoidance of doubt, it is deemed necessary and proper to resolve any concerns that presently may exist regarding this point.

NOW THEREFORE, be it resolved by the Board as follows:

1. That Flint Emergency Manager Brown Order No. 5 be repealed.
2. That Paragraph 4(d), provision 2), of Flint Emergency Manager Ambrose Order No. 20 be repealed to the extent it has been, or prospectively may be, construed to prohibit funding of

an Office of Ombudsperson under the new City Charter.

3. That the minutes of the Board meeting at which this Resolution is adopted take notice of the adoption of this Resolution.
4. The State Treasurer may approve this Resolution by executing a counterpart copy separate from that approved by the Board, each of which copies when executed shall be deemed an original, but all of which when taken together shall constitute one and the same Resolution.
5. This Resolution shall have immediate effect.

IN WITNESS WHEREOF, the members of the Receivership Transition Advisory Board for the City of Flint, or their designees, have signed and adopted this Resolution.

FLINT RECEIVERSHIP TRANSITION ADVISORY BOARD

By 
Frederick Headen, Chairperson


By _____
Joel Ferguson, Board Member

By 
Paul Newman, Board Member

By _____
W. David Tarver, Board Member

Date: 9-13-2017
Flint, Michigan

Approved pursuant to the Governor's April 29, 2015, letter appointing the Receivership Transition Advisory Board for the City of Flint.

By 
N.A. Khoun, State Treasurer

Date: 9/14/17
Lansing, Michigan

IN WITNESS WHEREOF, the members of the Receivership Transition Advisory Board for the City of Flint, or their designees, have signed and adopted this Resolution.

FLINT RECEIVERSHIP TRANSITION ADVISORY BOARD

By _____
Frederick Headen, Chairperson

By Joel Ferguson
Joel Ferguson, Board Member

By _____
Paul Newman, Board Member

By _____
W. David Tarver, Board Member

Date: 9/13/2017
Flint, Michigan

Approved pursuant to the Governor's April 29, 2015, letter appointing the Receivership Transition Advisory Board for the City of Flint.

By _____
N.A. Khouri, State Treasurer

Date: _____
Lansing, Michigan

IN WITNESS WHEREOF, the members of the Receivership Transition Advisory Board for the City of Flint, or their designees, have signed and adopted this Resolution.

FLINT RECEIVERSHIP TRANSITION ADVISORY BOARD

By _____
Frederick Headen, Chairperson

By _____
Joel Ferguson, Board Member

By _____
Paul Newman, Board Member

By  _____
W. David Tarver, Board Member

Date: 13 Sep 2017
Flint, Michigan

Approved pursuant to the Governor's April 29, 2015, letter appointing the Receivership Transition Advisory Board for the City of Flint.

By _____
N.A. Khouri, State Treasurer

Date: _____
Lansing, Michigan