

**CITY OF LINCOLN PARK
OFFICE OF THE EMERGENCY MANAGER
(REVISED) ORDER NO. 2015-60**

BRADFORD L. COULTER
500 Southfield Road
Lincoln Park, MI 48146

Originally Issued: December 22, 2015

AMENDED: July 25, 2017

WHEREAS, Section 10 of Public Act 436, the Local Financial Stability and Choice Act (the Act), provides for the issuance of Emergency Manager Orders; AND

WHEREAS, by operation of law, such orders supersede any conflicting city charter provisions; AND

WHEREAS, Section 23 of the Act provides that, prior to removing a city from receivership, the Governor may appoint a receivership transition advisory board; AND

WHEREAS, by the letter dated December 22, 2015, the Governor appointed a receivership transition advisory board to monitor the continued financial recovery in the City of Lincoln Park; AND

WHEREAS, by the same appointment letter, the Lincoln Park Receivership Transition Advisory Board is authorized to recommend amendments and modifications to existing emergency manager orders to the State Treasurer; AND

WHEREAS, the Lincoln Park Receivership Transition Advisory Board has recommended a full restoration of local control to the State Treasurer, which is achieved by significant modifications to Order 2015-60.

NOW THEREFORE, BE IT ORDERED:

- a) **The Mayor and City Council shall implement all of the following financial best practices within the City and do all of the following:**
 - 1) **Develop and implement a multi-year financial plan that will fund both the Municipal Employee pension system and the Police and Firefighters pension system.**

- 2) The City Council and the Mayor shall not interfere with the employees of the City. The City Manager shall be the authorized management contact for all employees and unions.
 - 3) The City shall not offer any employee an early retirement incentive or allow the acceleration of employee service credit.
 - 4) Consistent with State law, the City will continue to use a third party such as SAFEbuilt for providing Building Department services. The City will not bring its Building Department services back in house, nor will it assign any full or part time employee to work in the Building Department.
 - 5) Each budget year the City and the City Manager will determine the amount of funding that can be allocated to retiree health care while still maintaining staffing levels, compensation levels, and building sufficient General Fund balance, as established by existing policy. In no case shall spending on retiree health care exceed \$650,000 per year. The City will attempt to maintain the existing level of spending for retiree health care but, depending on the financial situation of the City, spending for retiree health care can be reduced or even eliminated in order to maintain vital City services and staffing levels. The City will also annually conduct an evaluation of its costs and level of benefits for retiree health care, with every even numbered year a benefit audit being performed by an independent auditor hired by the City.
 - 6) Asset sales shall not be constrained by City Charter Chapter VI, Sections 19 and 20 which require a 3/5's majority of voters to approve assets sales having a value in excess of one dollar per capita, or roughly \$38,000.
 - 7) The role of the Public Safety Commission is excluded from all Police and Fire union contracts. The Public Safety Commission shall have no role in hiring, firing, discipline, or promotions. The Public Safety Commission shall continue to meet but in the limited role of providing award recognition and for public dissemination of information related to Police and Fire activity.
- b) **The City Manager shall implement all of the following financial best practices within the City and do all of the following:**
- 1) The City Manager will appoint and, when he or she deems it necessary for the good of the City, suspend or remove all City employees, except as otherwise provided by law or any agreements to which the City is a party. The City Manager shall provide recommendations to the City Council from which the City Council shall select when making appointments under Section 1 of Article IV of the City Charter. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise those powers with respect to

subordinates in that officer's department, office or agency. All employees of the City shall be the ultimate responsibility of the City Manager, who shall have all disciplinary and termination rights, including those granted by any employee's employment agreement.

b. The City Manager will direct and supervise the administration and executive functions of City government, including supervising and directing the department heads, of all departments, offices and agencies of the City. The City Manager will be the sole negotiator on all employee and union contracts and will be the sole point of contact between the City and its unions.

- 2) Be responsible for effectively overseeing the day-to-day operations of the City, consistent with this Order and any other applicable Emergency Manager Order.
 - 3) Ensure that the City is in full compliance with Public Act 436, this Order, and other applicable state and federal laws.
 - 4) Be designated as the person who will negotiate all collective bargaining agreements between the City and City employees or their authorized representatives.
 - 5) Review and recommend to the City Council approval of contracts or purchase of goods or services with a per transaction value exceeding \$25,000.00. The City Manager shall exercise discretion in his or her authority to solely purchase goods and services up to \$25,000.00 per transaction.
 - 6) In the event of a municipal emergency which necessitates the immediate expenditure of more than \$25,000.00, the City Manager and the Mayor may jointly authorize such action, as is prudent to resolve the emergency. The City Council shall be promptly notified of any emergency expenditure.
 - 7) Faithfully execute the duties of the City Manager.
- c) **The Mayor, City Manager, and City Council shall implement all of the following financial best practices within the City and do all of the following:**
- 1) Maintain by July 1 of each year a rolling 5-year financial operations plan (a rolling two-year budget with three years of financial projections), in coordination with the City Manager and City Finance Director, and ensure that the financial operations plan is prepared in accordance with applicable law.

- 2) Maintain by April 1 of each year a rolling six-year Capital Improvements Plan (CIP), in coordination with the City Planning Commission and ensure that the CIP is prepared annually in accordance with applicable law.
- 3) The City Council in its collective or individual capacity will not interfere or intervene with any ongoing lawsuit against the City or any of its current or former employees, officers, or former Emergency Manager. This restriction includes any lawsuits filed by retirees of Lincoln Park regarding retiree health care or pension benefits, or any possible lawsuits filed regarding the Police & Firefighters pension system.
- 4) All City elected officials, officers, and employees, shall abide by all State regulations and statutes.

d) Limitations upon the City Council, Mayor and the City Manager:

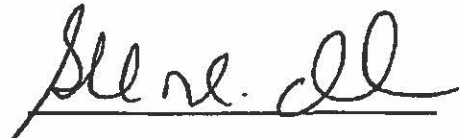
- 1) This order supersedes all previous emergency manager orders to the extent that they conflict. In addition, emergency manager orders 1-19 and 31-48 are rescinded and no longer enforceable.
- 2) Should any provision of this order be found to be unenforceable, the remainder of the order shall continue in full effect.

IN WITNESS WHEREOF, the members of the Receivership Transition Advisory Board for the City of Lincoln Park have adopted this Resolution.

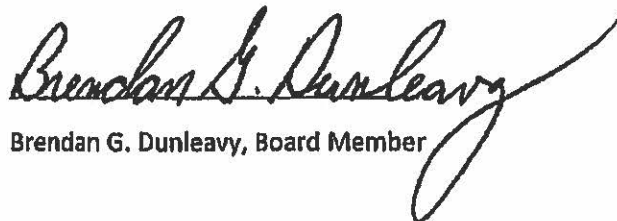
LINCOLN PARK RECEIVERSHIP TRANSITION ADVISORY BOARD


Kevin G. Bonds, Chairperson


John J. Zech, Board Member



Genelle M. Allen, Board Member


Jessica M. Thomas, Board Member


Brendan G. Dunleavy, Board Member

Date: July 25, 2017

Approved pursuant to the Governor's December 22, 2015 letter appointing the Receivership Transition Advisory Board for the City of Lincoln Park.


W.A. Khouri, State Treasurer

Date: 7/28/2017