

## EMERGENCY MANAGER OF THE CITY OF ECORSE

**ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, TO APPROVE THE 25<sup>TH</sup> JUDICIAL DISTRICT COURT 2 YEAR BUDGET AND AGREEMENT BETWEEN THE CITIES OF ECORSE, RIVER ROUGE AND LINCOLN PARK FOR THE MANAGEMENT AND OPERATION OF THE 25<sup>th</sup> DISTRICT COURT.**

### Order 095

WHEREAS, under the Local Financial Stability and Choice Act, Act 436 of 2012 (MCL 141.1541 et seq) and, for all relevant periods, the Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and, for all relevant periods, under the Local Government and School District Fiscal Accountability Act, Act 4, Public Acts of Michigan, 2011, as amended ("Act 4"), as well as any successor Acts and the Contract dated October 30, 2009 and Amended Contract of October 2012 (the "Contract") between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency (Financial) 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, ensure compliance with federal, state and local laws, regulations, rules, local laws and make provisions for services for the City of Ecorse, including the power to exercise the authority and responsibilities of the Mayor, as the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption and enforcement of resolutions affecting the financial condition of the City as provided in the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"); and

**WHEREAS** and specifically pursuant to MCL 141.1549, an emergency manager shall act for and in the place and stead of the governing body and the office of chief administrative officer of the local government. The emergency manager shall have broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the local government and the local government's capacity to provide or cause to be provided necessary governmental services essential to the public health, safety, and welfare.

**WHEREAS**, pursuant to provisions contained within Public Act 436, including Section 12, an Emergency Manager has the power to make, approve, or disapprove any appropriation, contract, expenditure, or loan, the creation of any new position, or the filling of any vacancy in a position by any appointing authority;

WHEREAS, pursuant to Act 300 of the Public Acts of 2011, specifically, MCL 600.8121 (11), the Twenty-Sixth District Court, was abolished effective April 1, 2012 and the political subdivisions of Ecorse, Lincoln Park, and River Rouge entered into an AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATIONAL TRANSITION OF THE 25<sup>th</sup> DISTRICT COURT, said Agreement expiring June 30<sup>th</sup> of 2013;

WHEREAS, Section 2 of Act 35 of the Public Acts of 1951, specifically MCL 124.2 states "any municipal corporation shall have the power to join with any other municipal corporation, or with any number or combination thereof by contract, or otherwise as may be permitted by law, for the ownership, operation, or performance, jointly, or by any 1 or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately", providing the Cities with the legal authority to enter into this Agreement; and

WHEREAS, Ecorse further recognizes Act 154 of the Public Acts of 1968, as amended, Act 374 of the Public Acts of 1996, as amended, as well as Administrative Order No. 1997-6 and any subsequent amendments thereto, as legal authority to enter into such an Agreement for the purposes so stated, including but not limited to the operation, management of the Twenty-Fifth District Court and distributions to the Cities of generated revenues;

**WHEREAS**, on March 19, 2013 the 25<sup>th</sup> District Court Management Council met, reviewed, discussed, approved, and recommended the approval by the Ecorse, River Rouge and Lincoln Park governing bodies of both the 25<sup>TH</sup> JUDICIAL DISTRICT COURT 2 YEAR BUDGET FOR THE PERIOD COMMENCING JULY 1, 2013 AND EXPIRING MIDNIGHT, JUNE 30, 2015 and the interlocal AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATION OF THE 25<sup>TH</sup> DISTRICT COURT;

**WHEREAS**, on April 2, 2013 the Chief Judge of the 25<sup>th</sup> District Court held a Work Study and presented the 25<sup>TH</sup> JUDICIAL DISTRICT COURT 2 YEAR BUDGET FOR THE PERIOD COMMENCING JULY 1, 2013 AND EXPIRING MIDNIGHT, JUNE 30, 2015 and the interlocal AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATION OF THE 25<sup>TH</sup> DISTRICT COURT to the Ecorse Mayor and City Council, discussing the various provisions and answering all questions;

**WHEREAS**, at a regularly scheduled meeting of the Ecorse City Council on Tuesday, April 16, 2013, the Ecorse City Council voted to approve a Resolution by a 5 to 2 vote to approve the 25<sup>TH</sup> JUDICIAL DISTRICT COURT 2 YEAR BUDGET FOR THE PERIOD COMMENCING JULY 1, 2013 AND EXPIRING MIDNIGHT, JUNE 30, 2015 and entering into the interlocal AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATION OF THE 25<sup>TH</sup> DISTRICT COURT;

WHEREAS, this **ORDER** is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 436 of 2012, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager and, additionally, is considered necessary to implement the City of Ecorse's financial plan.

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 436 OF 2012 AND ANY AND ALL SUCCESSOR ACTS, AND FOR ALL RELEVANT PERIODS, PUBLIC ACT 4 OF 2011, PUBLIC ACT 72 OF 1990 AND ANY SUBSEQUENT ACT, THE CONTRACT AND CONTRACT AMENDMENTS BETWEEN THE STATE AND EMERGENCY MANAGER, AND OTHER LEGAL MANDATES, THAT:**

1. Effective this date, the City of Ecorse hereby approves the **25<sup>TH</sup> JUDICIAL DISTRICT COURT 2 YEAR BUDGET FOR THE PERIOD COMMENCING JULY 1, 2013 AND EXPIRING MIDNIGHT, JUNE 30, 2015** and the interlocal **AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATION OF THE 25<sup>TH</sup> DISTRICT COURT.**
2. 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 23rd day of April, 2013.



Joyce A. Parker  
Emergency Manager  
City of Ecorse