Emergency Financial Manager of the City of Ecorse
(Directive No. 004)

ORDER OF THE EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, AUTHORIZING AND APPROVING RESIDENTIAL REFUSE COLLECTION CONTRACT WITH WASTE MANAGEMENT OF MICHIGAN, INC.

WHEREAS, under the Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and a Contract (the "Contract") between the State of Michigan and Joyce A. Parker, dated October 30, 2009, Joyce A. Parker has been appointed as the Emergency Financial Manager (the "EFM") of the City of Ecorse, County of Wayne, Michigan (the "City") and charged with the power to take actions with respect to the City, 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, amendment and enforcement of ordinances or 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, pursuant to Act 72 and the Contract, the EFM, as the chief administrative officer of the City, is authorized to, among other things, make, approve, or disapprove any appropriation, contract, expenditure, or loan for the City as she may deem necessary within her sole discretion to accomplish the purposes of Act 72; and

WHEREAS, the EFM solicited bids for services related to, among other things, the collection and disposal of all residential waste and yard waste from occupied single family residential units within the City; and

WHEREAS, Waste Management of Michigan, Inc. ("Waste Management"), a Michigan corporation, duly qualified to collect and dispose of municipal solid waste, including residential and yard waste, in the State of Michigan, submitted the winning bid for the disposal of residential waste and yard waste within the City; and

WHEREAS, the EFM has determined it is the best financial interest of the City to contract with Waste Management on a month-to-month basis to provide curbside collection and disposal of solid waste and yard waste within the City; and

WHEREAS, pursuant to Act 72, the EFM desires to authorize the officers, agents and employees of the City, including legal counsel to the City, to negotiate the terms of the contract with Waste Management, but subject to the parameters set forth in this Order, and upon finalization of the contract to authorize the EFM to execute and deliver the contract on behalf of the City.

NOW THEREFORE, BE IT ORDERED BY THE EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE, PURSUANT TO ACT 72 AND THE CONTRACT, THAT:

1. Negotiation of Contract Terms and Preparation of Contract. Pursuant to Act 72, the officers, agents and employees of the City are each hereby authorized and directed to negotiate the terms of a Residential Refuse Collection Contract with Waste Management to collect and dispose of all residential waste and yard waste from occupied single family residential units within the City, in accordance with the bid submitted by Waste Management, and to cause said contract to be prepared with such modifications that shall be acceptable to the EFM, and approved by legal counsel to the City, subject to the following parameters:

(a) The contract shall commence on November 18, 2009 and be effective on a month-to-month basis.

(b) The cost to the City for the processing and disposal of residential waste and yard waste pursuant to the contract shall be as provided in the proposal submitted by Waste Management.

2. Approval, Execution and Delivery of Contract. The EFM is hereby authorized and directed to execute and deliver the final Residential Refuse Collection Contract on behalf of the City, and upon execution, the contract shall become a valid and binding contract of the City, in accordance with its terms.

3. Authorization of Other Necessary Action. The Mayor, the Finance Director, the Treasurer and the City Clerk are hereby authorized and directed on behalf of the City to take any and all other actions, perform any and all acts and execute any and all documents as directed by the EFM as shall be necessary or desirable to implement this Order.

4. Repeal. All orders of the EFM, 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.

SO ORDERED this 17th day of November, 2009.

Joyce A. Parker

Joyce A. Parker
Emergency Financial Manager
City of Ecorse

17467493.1\088888-01874