Emergency Financial Manager of the City of Ecorse
(Directive No. 057)

ORDER OF THE EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, APPROVING PAYMENT OF CLAIMS

WHEREAS, under the Local Government and School District Fiscal Accountability Act, Act 4, Public Acts of Michigan, 2011, as amended ("Act 4") 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 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 and the provision of services for the City of Ecorse in conformity with and using the powers set forth in Act 4 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 conditions and operations of the City as provided in the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279");

WHEREAS, Act 4 provides to an EM the broad authority and power necessary to accomplish the financial and operational plans of the City, including, but not limited to the authority to pay outstanding payroll claims, vendor invoices, accounts, and other claims pursuant to various lawful provisions including Section 19(d) which authorizes the approval or disapproval of a plan for paying outstanding obligations, Section 19 (g) allowing the EM to make, approve, or disapprove any appropriation or expenditure, Section 19(dd) authorizing the EM to, in her sole discretion, exercise the full authority and responsibilities of the chief administrative officer and governing body, to include a city council, concerning the adoption, amendment, and enforcement of ordinances or resolutions affecting the city to the extent provided for in numerous statutory provisions including the Home Rule City Act as she may deem necessary, in order to accomplish the purposes of Act 4; and.

WHEREAS, at several regularly held meetings of the City Council within the past eighteen months said Council has failed to approve payment of the City's vendor claims and accounts and/or payroll claims requiring the EM to accomplish this financial task through a Directive and Order;

WHEREAS, at the regularly scheduled City Council meeting held on June 28, 2011 at 7:30 o'clock pm, pursuant to Chapter V Section 6 of the Charter of the City of Ecorse, Council members failed to approve the following resolution (110.11) which was moved by Councilman Elem and supported by Councilman Heller: "NOW, BE IT RESOLVED, that the claims and accounts as submitted by the Emergency Manager on June 28,2011 be paid from the proper funds in the total amount of $33,855.93";

WHEREAS, it is in the best interests of the City to implement a method whereby the City will consistently pay its employees, vendors, claims, and accounts as reviewed and approved by the City's Financial Controller and Emergency Manager so as to limit the City's liability, continue to be in compliance with financial accounting standards and practices and to effectively and efficiently conduct the City's business in a timely fashion so as to accomplish the City's financial and operational plans in accordance with Act 4;

WHEREAS, until further notice, the EM shall approve for payment all payroll and vendor claims and accounts, including the vendor claims and accounts contemplated in Resolution 110.11 which Council failed to approve on June 28, 2011, providing a copy of the approved matters to City Council for their information.

This Directive and Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 4, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Financial Manager and, additionally, is considered necessary to implement the financial and operational plans of the City.

RESOLVED, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 4 AND THE CONTRACT, THAT:

1. The vendor claims and accounts as submitted by the Emergency Financial Manager on June 28, 2011 be paid from the proper funds in the total amount of $33,855.93;

2. Until further notice, the Emergency Manager shall approve for payment all payroll and vendor claims and accounts of the City of Ecorse and shall provide to the City Council notice of the approved payroll and vendor claims and accounts after they are approved for payment.

3. 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.

IT IS SO ORDERED this 29th day of June, 2011.

Joyce A. Parker
Emergency Manager
City of Ecorse