EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE
(Directive No. 059)

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, CONCERNING POLITICAL CAMPAIGNING AND DISTRIBUTION OF CAMPAIGN MATERIALS.

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; and

WHEREAS, pursuant to Public Act 4 of 2011, Section 17 (1) the emergency manager shall issue to the appropriate local elected and appointed officials and employees the orders the manager considers necessary to accomplish the purposes of this act. An order issued is binding on the local elected official. Additionally, Section 26 (1) mandates a local elected official to promptly and fully provide requested assistance and information. Moreover, Section 26 (2) underscores the serious ramifications for an official who fails to comply, stating, "Failure of a local government official to abide by this act shall be considered gross neglect of duty, which the review team or emergency manager may report to the state financial authority and the attorney general. Following review and a hearing with a local government elected official, the state financial authority may recommend to the governor that the governor remove the elected official from office"; and

WHEREAS, City employees are prohibited through Public Act 169 of 1976 from being actively engaged in political activities during the hours when they are being compensated by the City of Ecorse for the performance of duties as city employees; and

WHEREAS, pursuant to Chapter III, Section 11 of the Ecorse City Charter and an opinion rendered by the law firm of Miller Canfield regarding the interpretation of said Section, the Election Commission as a body and/or as individual members, have the duty to exercise general supervision over all elections in the City with the full power to prevent *any and all manner of* fraud and dishonest conduct; and

WHEREAS, two of the three Charter named members to the Election Commission, the City Clerk and the City Treasurer, are officials holding office by election and are presently seeking re-election; and, therefore, due to conflict of interest issues, are unable to render decisions regarding the propriety of allowing the display and distribution of campaign materials and the allowance of other candidate campaigning activities on the premises of City Hall without the appearance of bias and the use of their "official office authority" to inappropriately influence the election; and

WHEREAS, the City of Ecorse, in re-envisioning a vibrant future inclusive of sustainable financial health, the implementation of sound business practices, policies and judgments, and a reputation for honesty, integrity and transparency in every facet of its operations, is desirous of implementing an election process that reflects the highest of ethical standards devoid of even the appearance of impropriety; and

WHEREAS, to date, the City Clerk, the office responsible for the administration of the election process, and presently occupied by an individual seeking re-election, has been the decision maker, by default, regarding the allowance of candidate campaign literature distribution and other candidate campaigning activities on the premises of City Hall; and

WHEREAS, it is in the best interests of the City of Ecorse's integrity, ethical character and future reputation for sound, reliable and unbiased business judgment, along with that of its elected officials seeking re-election, other elected officials, and all other candidates seeking an elected position with the City for the City of Ecorse to implement an election process and policy which equitably and uniformly prohibits the display and distribution of all campaign materials on the premises of the Ecorse City Hall and further prohibits all other candidate campaigning activities on the premises of City Hall without exception; and

This Directive is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 4 of 2011, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager and, additionally, is considered necessary to implement the financial plan.

RESOLVED, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 4 of 2011 AND THE CONTRACT, THAT:

1. All elected officials, whether or not seeking re-election, including the City Treasurer, City Clerk, City Assessor, City Council members, Mayor, Mayor Pro Tem, appointed officials and employees, and all others working for or on behalf of the City of Ecorse are hereby prohibited from displaying, distributing, or otherwise allowing others to display, distribute political or candidate campaign literature or engage in candidate campaign activities on the premises of the Ecorse City Hall.

2. The direction given by the City Attorney on Friday, July 22, 2011, to prohibit the display and distribution of candidate campaign literature and further prohibit other candidate campaign activities on the premises of City Hall effective on said date is hereby ratified through this DIRECTIVE AND ORDER.

3. The Director of the Department of Public Works is hereby directed to remove to a place of safekeeping all candidate campaign literature found upon the premises of City Hall but shall allow candidates to retrieve their candidate campaign literature and materials to permanently remove same from the premises.

4. This DIRECTIVE/ORDER is effective immediately.

5. This DIRECTIVE/ORDER, to the extent issued to an elected official, shall be binding and carry with it the full extent of consequences for non-compliance stated under Public Act 4 of 2011, especially as set forth in Section 17 and Section 26.

6. 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 26th day of July, 2011.

Joyce A. Parker
Emergency Manager
City of Ecorse