ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE

ORDER OF THE EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, ESTABLISHING TERMS AND CONDITIONS FOR THE CONTINUOUS EMPLOYMENT OF PROFESSIONAL CITY ADMINISTRATORS AND MINIMUM QUALIFICATIONS AND JOB DUTIES FOR ALL FUTURE PROFESSIONAL CITY ADMINISTRATORS FOR THE CITY OF ECORSE.

(ORDER and Directive No. 082)

WHEREAS, under 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"), 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 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, Public Act 243 of 1980, the Emergency Municipal Loan Act, the Local Emergency Financial Assistance Loan Board has the power to authorize and make loans to qualifying municipalities pursuant to certain statutory terms and conditions including, but not limited to the mandate under MCL 141.937 that a municipality that receives a loan under said Act shall employ a full-time professional administrator to direct or participate directly in the management of the municipality's operations until otherwise ordered by the Board;

WHEREAS, pursuant to the Act's processes and procedures and subject to all of the conditions articulated under Public Act 243 of 1980, the City of Ecorse has received the greatest loan amount allowable under the statute, specifically loan amounts totaling Five Million ($5,000,000.00) Dollars since November of 2009, with an anticipated twenty year repayment plan to the State of Michigan;

WHEREAS, pursuant to the legal mandate of employing a full-time professional administrator under Public Act 243 of 1980 as a term and condition of the loans already received by the City and the anticipated twenty year repayment plan to the State of Michigan of the $5,000,000 in loans, a professional City Administrator is required and otherwise advisable for the full twenty years of Ecorse's repayment plan to perform the specific statutory duties set forth under MCL 141.937 and otherwise as is hereinafter set forth. Further, should Ecorse repay the full loaned amount in a time less than the anticipated 20 years, the City would have the option of applying to the Local Emergency Financial Assistance Loan Board to request the termination of the mandated professional City Administrator, if it so chose;

WHEREAS, pursuant to Public Act 72, Section 21 (f) an Emergency Financial Manager has the power to authorize and make, approve, or disapprove any appropriation, contract, expenditure, or loan, fill any vacancy in a permanent position by any appointing authority, and create any new employment position;

WHEREAS, the Emergency Financial Manager, pursuant to PA 4, and PA 72, the Contract and PA 243 of 1980 created the position of City Administrator through **ORDER 076** and, pursuant to a legally binding Employment Agreement fully executed September 12, 2012 between the City of Ecorse by Emergency Financial Manager, Joyce A. Parker and, successful candidate for City Administrator, John Openlander, the City has hired a City Administrator to professionally manage the municipal operations of the City of Ecorse;

WHEREAS, to comply with all legal mandates and to safeguard the proper professional administration and management of the operations of the City of Ecorse, certain minimum educational, experience, demonstrated skills, professional and other qualifications shall hereby be required of all future successful candidates for the position of the City Administrator for the City of Ecorse, unless modified in writing by the State of Michigan;

WHEREAS, to comply with all legal mandates and to safeguard the proper professional administration and management of the operations of the City of Ecorse, certain powers, authorities, duties, and responsibilities shall be given exclusively or otherwise to the City Administrator presently hired and all future Ecorse City Administrators, unless modified in writing by the State of Michigan, to ensure and enable the City of Ecorse to work productively with the State of Michigan, to continue implementing and otherwise carrying out the initiatives, reorganizations, budgetary mandates, processes, procedures, compliances, and restraints, other changes, policies, programs, plans, projects, development and redevelopment ideas and directions created, implemented, begun, launched, instigated, or activated by the Emergency Financial Manager for the benefit of the Ecorse community, as well as other such actions said City Administrator, over the term of his (her) administrative term, may deem appropriate and in the best interests of the City's residents and other stakeholders;

WHEREAS, this **ORDER** is necessary in order for the City of Ecorse to be in full compliance with the law and to carry out the comprehensive duties and responsibilities required of the Emergency Manager as set forth in Public Act 72 of 1990 and, for all relevant periods, Public Act 4 of 2011, the Contract between the Local Emergency Financial Assistance Loan Board and the Emergency Financial Manager, other laws and additionally, is considered necessary to implement and maintain the City of Ecorse's financial plan;

THEREFORE, BE IT RESOLVED, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 72 of 1990 AND, FOR ALL RELEVANT PERIODS, PUBLIC ACT 4 of 2011, THE CONTRACT, AND OTHER LEGAL MANDATES THAT:

1. All successful candidates for the position of City Administrator hired by the City of Ecorse from the date of this ORDER forward shall possess the minimum education, experience, demonstrated skills, and other professional qualifications set forth in the attached JOB DESCRIPTION. This Job Description sets forth the minimum qualifications, requirements, knowledge and skill sets for a City Administrator and shall not, under any circumstances, be amended to lower such professional standards.

2. The City Administrator shall exercise the powers and authorities necessary to carry out the duties and responsibilities set forth in MCL 141.937 and in the attached Job Description which is incorporated into this ORDER by reference, as if it were fully articulated herein.

3. The powers, authorities, duties, and responsibilities as set forth in the attached Job Description apply to the present and all future City Administrators and are hereby entered as permanent but may be amended to increase the professional qualifications and standards, with the State's approval, unless otherwise modified in writing by the State of Michigan.

4. All elected Officials, appointed officers, administrative department heads, and all other employees, staff, and volunteers shall hereby recognize, respect and otherwise conduct City business in a manner that is compatible with the role and authority of this new administrative position that has responsibility for the professional administration and management of the operations of the City of Ecorse and shall engage in no activity or action to circumvent, undermine or disrespect the role and authority of a City Administrator as set forth in the attached Job Description.

5. Any changes proposed to the Job Description that are allowable pursuant to this Order must reflect an intent to do the following: comply with all legal mandates, safeguard the proper professional administration and management of the operations of the City of Ecorse, ensure and enable the City of Ecorse to work productively with the State of Michigan, continue implementing and otherwise carrying out the initiatives, reorganizations, budgetary mandates, processes, procedures, compliances, and restraints, other changes, policies, programs, plans, projects, development and redevelopment ideas and directions created, implemented, begun, launched, instigated, or activated by the Emergency Financial Manager for the benefit of the Ecorse community, as well as other such actions said City Administrator, over the term of his (her) administrative term, may deem appropriate and in the best interests of the City's residents and other stakeholders;

6. Repeal. All orders of the Emergency Manager, Emergency Financial 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 22nd day of October, 2012.

Joyce A. Parker
Emergency Financial Manager
City of Ecorse

CITY OF ECORSE

JOB DESCRIPTION

TITLE: CITY ADMINISTRATOR **STATUS:** Exempt

DEPARTMENT: CITY ADMINISTRATOR

OCCUPATION SUMMARY:

Ecorse is currently under a State of Emergency through the State of Michigan and has a state appointed Emergency Manager. During the State of Emergency, the City Administrator shall be appointed by and report to the Emergency Manager. When the State of Emergency is over, the City Administrator shall report to the Mayor and City Council.

The City Administrator shall be appointed based on his/her executive and administrative qualifications. The Emergency Manager shall determine the City Administrator's compensation at the time of appointment.

The City Administrator shall be the Chief Administrative Officer of the City. He/she shall be responsible for the direction and oversight of all City Departments and all City functions.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

The City Administrator shall comply with State Direction during the transition to full restoration of all duties and responsibilities to the City of Ecorse by the State of Michigan. The City Administrator shall ensure that the City of Ecorse is in compliance with the City Charter and all applicable County, State, and Federal laws

City Administrator shall have the following responsibilities:

- City Administrator shall work with the Emergency Manager, City Council and other city Boards and advisory groups to develop City Policies and

Procedures. He/she shall coordinate efforts for long term planning including the reuse of vacant land, encouragement of current business and industrial operations, attraction of new businesses and industry, and improvement to the residential areas of the City.

- City Administrator will work with the Emergency Manager, Mayor and Council in coordinating the City's responses to citizens, the News Media, Prospective Developers and New Businesses. The City Administrator will be the primary spokesperson for the Administrative Branch of the City. The City Administrator will also be the primary contact between the Mayor and Council and City employees.
- City Administrator shall work in cooperation with other local communities, counties, authorities, the State of Michigan, the Federal Government, the judicial system and any other group or organization within or without the City. The City Administrator shall work to secure additional financial resources for the citizens of Ecorse through cooperative efforts in the form of grants, low interest loans, and contribution of other resources.
- City Administrator shall be responsible for the day-to-day operations of the City and is in charge of all city employees with responsibility for direction, supervision, training, hiring, firing, and disciplining all non-elected City employees. The appointment and termination of the Department Heads are the responsibility of the City Administrator after conferring with the Emergency Manager and the City council.
- City Administrator administers all City benefit programs for both active and retired City employees, oversees the negotiation and implementation of all Union contracts, investigates and responds to all grievances and discrimination complaints.
- City Administrator in cooperation with City Staff and Elected Officials is responsible for development, implementation, and oversight of the City's Two Year Budget and Capital Improvement Plans. He/she shall submit these to the Emergency Manager and/or City Council for review and adoption.

- City Administrator Coordinates completion of an independent Annual Audit and reports to the Emergency Manager and/or City Council, citizens of Ecorse, and to the State of Michigan.
- City Administrator provides oversight of purchasing goods and services for use for all City functions and operations.
- City Administrator ensures the bidding and administering all capital improvement projects for the City are carried out in a fair, unbiased, efficient, and productive manner.
- City Administrator shall perform such other duties as requested or required by the Emergency Manager and/or City Council.

EDUCATION and/or EXPERIENCE

Qualifications and Requirements:

- Bachelor's degree in Business Administration, Public Administration or some closely related field and a minimum of five (5) years of responsible experience as a City Administrator, City Manager, Assistant City Manager, or Department Head in one or more communities having a Council/Manager form of government.
- Masters Degree in Public Administration desired.

Knowledge and Skill:

- Knowledge of wide range of issues covering all areas of responsibility including having a proven track record in finance, budget preparation, labor relations, community and economic development, grant writing and administration, and inter governmental relations.
- Ability to relate to staff and public in a positive manner.
- Able to handle information discreetly.
- Valid State of Michigan Motor Vehicle Operator's license or ability to secure one in short time.

Physical Demands and Working Conditions

The physical demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential job functions.

- **Environment:** Tasks are performed in both inside office and outside environmental conditions.

- **Mobility:** Sitting, standing, walking for prolonged periods of time, extensive use of computer keyboard.

- **Vision:** Vision acuity to read numerical figures, see distant and close objects.

- **Other factors:** Incumbents will be required to work extended hours including evenings and weekends. Incumbents will be required to travel outside City boundaries for City business or to attend meetings.

- *The above job description is illustrative and not a complete itemization of all facets of the position.*