EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE

Order No. 085

ORDER OF THE EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, FOR THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR DISTRICT COURT JUDGE MICHAEL CIUNGAN PURSUANT TO CERTAIN TERMS AND CONDITIONS.

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"), 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 "EFM" or "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, pursuant to Public Act 72 of 1990, Section 21 an Emergency Manager has the power and authority to make, approve, or disapprove any appropriation, contract, expenditure, or loan, for and on behalf of the local government;

WHEREAS, pursuant to Act 300 of the Public Acts of 2011, specifically, MCL 600.8121 (11), the Twenty–Sixth District Court, which consists of the political subdivisions of Ecorse and River Rouge, was abolished effective April 1, 2012; and

WHEREAS, pursuant to Act 300 of the Public Acts of 2011, specifically, MCL 600.8121 (10), as of April 1, 2012, the Twenty–Fifth District Court consists of the political subdivisions of Ecorse, Lincoln Park, and River Rouge and allows for 2 judges for the Twenty-Fifth District, with the incumbent judge of the twenty-sixth District becoming a judge of the Twenty-Fifth District Court for the balance of the term to which he was elected; and

WHEREAS, in March of 2012, the aforementioned political subdivisions entered into an AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATIONAL TRANSITION OF THE 25TH DISTRICT COURT, said Agreement effective to July 1, 2013. Furthermore, that said political subdivisions shall enter into a future agreement(s) to continue to set forth the terms and conditions of the future management and operation of the 25th District Court ;

WHEREAS, the cost and expense for health care insurance coverage for 25th District Court employees, including Judges, is an expense of the overall operation of the 25th District Court and is provided for in its budgeted expenditures;

WHEREAS, Michael Ciungan served as the elected Judge of the 26th Judicial Court from January 1, 1985 until March 31, 2012 and, pursuant to an ORDER of the Supreme Court of Michigan, effective March 14, 2012, was appointed the Chief Judge of the 26th Judicial District Court for the remainder of its operation and the Chief Judge of the 25th Judicial District Court, for a term ending December 31, 2013; and

WHEREAS, Michael Ciungan, with his long service as a Judge in the Ecorse community wishes to preserve his health care insurance coverage during the remainder of his service as a Judge of the 25th District Court in the Michigan Judicial System in the Downriver Area and throughout his retirement through the Ecorse funding unit without change and/or interruption; and

This ORDER is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 72, the contract and amended contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY FINANCIAL MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 72 of 1990 AND ANY AND ALL SUCCESSOR ACTS, AND FOR ALL RELEVANT PERIODS, PUBLIC ACT 4 of 2011, AND ANY SUBSEQUENT ACT, THE CONTRACT AND AMENDED CONTRACT BETWEEN THE STATE AND EMERGENCY (FINANCIAL)MANAGER, AND OTHER LEGAL MANDATES THAT:

1. Effective as of the date of this Order, the City of Ecorse shall administer, provide and/or continue to provide to Michael Ciungan, formerly the Judge of the Ecorse division of the abolished 26th District Court and presently an active Judge with the 25th District Court, and his current spouse as identified as of the signing date of this Order, health care insurance coverage, for as long as he is an active employee of the City of Ecorse, at eligible levels, consistent with other Ecorse employees.

2. Upon and throughout Mr. Ciungan's retirement through MERS, the City of Ecorse, at its own expense, shall provide to Michael Ciungan and his spouse as of the date of this Order, health care insurance at coverage levels consistent with other Ecorse retired District Court personnel and City of Ecorse retiree health care insurance coverage policies. Neither Michael Ciungan nor his spouse shall receive dental insurance.

3. For all periods of time that the City of Ecorse is administering and providing to Michael Ciungan and/or his current spouse, as identified as of the signing date of this Order, health care insurance coverage, as set forth above, Michael Ciungan shall pay to the City of Ecorse the equivalent of 20% of the total cost of the insurance premium unless said insurance premium contribution rates by public employees and/or retirees is raised or increased through federal or state legislation. If, at any time, such health insurance premium contribution rates are raised or increased through federal or state legislation, Michael Ciungan's health insurance premium contribution rate shall change accordingly and he shall pay at the adjusted contribution rate. Furthermore, it is understood that the City of Ecorse, for all relevant periods of time, has the right and may change its health insurance coverage carrier from time to time to provide comparable health care coverage at rates acceptable to the City.

4. Repeal. All orders of the EFM, resolutions of the Ecorse City Council and parts of resolutions, orders or contracts in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 5th day of March, 2013.

Joyce A. Parker
Emergency Manager
City of Ecorse