

EMERGENCY MANAGER OF THE CITY OF ECORSE

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, TO ENTER INTO THE AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATIONAL TRANSITION OF THE 25th DISTRICT COURT.

(Order and Directive No. 074)

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 19 (1) (g) 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 Public Act 4 of 2011, Section 19 (1) (ee) the power of an emergency manager is superior to and supersedes the power of any officer or employee whether elected or appointed and, therefore, allows the Emergency Manager to exercise the power and authority of any elected or appointed position, including the elected positions of the governing body, to properly accomplish the work of the municipality;

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, is abolished effective April 1, 2012; and

WHEREAS, pursuant to Act 300 of the Public Acts of 2011, specifically, MCL 600.8121 (10), beginning April 1, 2012, the Twenty-Fifth District Court shall consist of the political subdivisions of Ecorse, Lincoln Park, and River Rouge and increase the number of its judges by one to provide for 2 judges for the Twenty-Fifth District, with the additional judgeship filled by the incumbent judge of the twenty-sixth District, who shall become a judge of the Twenty-Fifth District Court for the balance of the term to which he was elected; and

WHEREAS, the Ecorse and the other two cities desire an orderly transition for the effective and efficient provision of District Court services and, therefore, have set forth certain agreed upon components for the management and operation of the 25th District Court during an April 1, 2012 to July 1, 2013 transition time period in a legally binding agreement entitled, AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATIONAL TRANSITION OF THE 25th DISTRICT COURT; and

WHEREAS, Section 2 of Act 35 of the Public Acts of 1951, specifically MCL 124.2 states "any municipal corporation shall have power to join with any other municipal corporation, or with any number or combination thereof by contract, or otherwise as may be permitted by law, for the ownership, operation, or performance, jointly, or by any 1 or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately", providing the Cities with the legal authority to enter into this Agreement; and

WHEREAS, Ecorse further recognizes Act 154 of the Public Acts of 1968, as amended, Act 374 of the Public Acts of 1996, as amended, as well as Administrative Order No. 1997-6 and any subsequent amendments thereto, as legal authority to enter into such an Agreement for the purposes so stated, including but not limited to the operation, management of the Twenty-Fifth District Court and distributions to the Cities of generated revenues;

WHEREAS, Michigan State Senate Bill No. 7 and specifically PA 152 of 2011, known as the Publicly Funded Health Insurance Contribution Act (Act), was enacted into law September 27, 2011 with its stated purpose being to "limit public employer's expenditures for employee medical benefit plans; ... to provide for exceptions; and to provide for sanctions."

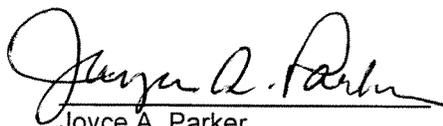
WHEREAS, after careful consideration, the City of Ecorse has determined that to enter into the AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATIONAL TRANSITION OF THE 25th DISTRICT COURT is in the best interests of the City of Ecorse;

WHEREAS, 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 of 2011, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager and, additionally, is considered necessary to implement 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 4 OF 2011 AND THE CONTRACT, THAT:

1. The City of Ecorse, on this day, hereby enters into the attached AGREEMENT BETWEEN THE CITIES OF ECORSE, LINCOLN PARK AND RIVER ROUGE FOR THE MANAGEMENT AND OPERATIONAL TRANSITION OF THE 25th DISTRICT COURT with the affixed signature of the Emergency Manager.
2. 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.

IS SO ORDERED this 12th day of March, 2012.


Joyce A. Parker
Emergency Manager
City of Ecorse