



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER

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Dated: August 19, 2013

ORDER NO. S-332

RE: Creation of City Administrator Position

TO: Sherikia Hawkins, City Clerk
Joseph M. Sobota, Community Development Director
Leon Jukowski, Mayor
Pontiac City Council
Pontiac Election Commission
Pontiac Tax Increment Finance Authority
City Department Heads

The Local Financial Stability and Choice Act, 2012 PA 436, MCL 141.1541 to 1575 ("Act 436") in Section 10(1) states that "[a]n emergency manager shall issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government the orders the emergency manager considers necessary to accomplish the purposes of [the] act, including, but not limited to, orders for the timely and satisfactory implementation of a financial and operating plan... or to take actions, or refrain from taking actions, to enable the orderly accomplishment of the financial and operating plan." Any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of Act 436 provides that an Emergency Manager may take one or more of the following actions, notwithstanding any charter provision to the contrary: **(g)** Make, approve, or disapprove any appropriation, contract, expenditure, or loan, the creation of any new position, or the filling of any vacancy in a position by any appointing authority; **(i)** Notwithstanding any minimum staffing levels requirement established by charter or contract, establish and implement staffing levels for the local government; **(n)** Consolidate or eliminate departments of the local government or transfer functions from 1 department to another and appoint, supervise, and, at his or her discretion, remove administrators, including heads of departments other than elected officials; **(ee)** Take any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency

manager shall be superior to and supersede the power of any of the foregoing officers or entities; and **Section 12(2)** Except as otherwise provided in this act, during the pendency of the receivership, the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the emergency manager.

WHEREAS, to assure that the City of Pontiac (“City”) maintains the financial progress it has achieved thus far, the City requires the position of a City Administrator to administer the financial and operational activities of the City in a manner consistent with applicable State law.

WHEREAS, such a position will assist in making sure that the financial and operational activities of the City are guided solely by managerial professionalism and a due regard to the public good.

It is hereby Ordered:

1. The position of City Administrator is hereby created in the City of Pontiac.
2. The description, duties, and exclusive responsibilities of the position are as follows:

Purpose. To assure that the financial and operational activities of the City continue are administered in a manner consistent with applicable State law, the position of City Administrator is established. The City Administrator shall have general supervision and control over all administrative activities of the City. The position shall have primary responsibility for performing the duties set out below.

Qualifications. The City Administrator shall have at least 5 years of experience and demonstrable expertise in municipal budgetary or financial matters, or such other professional qualifications as are suitable for the rendering of well informed and independent judgments necessary to maintain the prudent financial management of a municipality.

Authority. To assure the City’s long-term financial and operational stability, the City Administrator shall have authority, under the supervision of the Emergency Manager or any receivership transition advisory board appointed for the City under Section 23 of Act 436 (“Board”) and consistent with annual City budgets, to have the following exclusive responsibilities:

- (a) Hire and employ full-time equivalents, as well as professional consultants, including attorneys, engineers, or accountants, as necessary and appropriate to assist in fulfilling the duties of the City Administrator.
- (b) Serve as the official City representative before any Board and serve as the primary City contact for any department head, attorney, accountant, or other consultant hired or retained by the City.

- (c) Review current and potential litigation with the City Attorney, and as needed with any Board.
 - (d) Examine all books and records of the City and meet with any employee, official, contractor, or representatives of the City on matters impacting financial and operational activities of the City.
 - (e) To the extent authorized by law, and after consultation with any Board, the Mayor and City Council, renegotiate, modify, or terminate contracts, including collective bargaining agreements, pension agreements, and any other contracts requiring the payment of retiree benefits.
 - (f) Make recommendations to the Emergency Manager or any Board regarding policy matters that could enhance the City's long-term financial and operational stability.
 - (g) Hire and terminate all City personnel, subject to the approval of any Board.
 - (h) Develop an annual budget in cooperation with the Mayor and City Council for review and approval of the Emergency Manager or any Board.
 - (i) Take such actions as are necessary to implement or comply with any orders or consent decrees issued by courts or other entities of competent jurisdiction.
 - (j) Propose such amendments to the City Charter as are necessary and appropriate to enhance the City's long-term financial and operational stability, subject to the approval of any Board.
 - (k) Take action necessary to enter into interlocal agreements, transfer contracts, or other intergovernmental agreements on behalf of the City to facilitate shared services and consolidation with other governmental entities and the efficient provision of governmental services for City residents, including but not limited to an agreement with the Oakland County Treasurer, or other tax collecting unit, providing for the collection of City taxes.
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- (l) Direct and supervise all city departments and agencies.
 - (m) Take other actions consistent with powers, duties, functions and responsibilities vested in the City Administrator by order of the Emergency Manager.

Reporting. In addition to any other reporting requirements, the City Administrator shall periodically, but not less frequently than every 90 days, advise the Emergency Manager or Board in writing regarding the City's financial and operational progress.

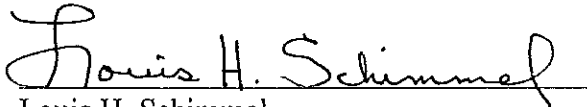
3. To the extent that this Order conflicts with any provisions of the City Charter or any City Ordinance, this Order is controlling.

4. Mr. Joseph M. Sobota is appointed to the position of City Administrator, effective immediately. In addition, the employment agreement between Mr. Sobota and the City is hereby adopted and shall be given immediate effect.

The Order is effective immediately.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 ("FOIA"), subject to any applicable or allowable exemptions under FOIA.

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager under Act 436 and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury