City of Allen Park, County of Wayne,
State of Michigan

ORDER No. 2014-042

AN ORDER APPROVING AND AUTHORIZING THE CITY OF ALLEN PARK THROUGH THE EMERGENCY MANAGER TO ENTER INTO THE AGREEMENT BETWEEN THE COUNTY OF WAYNE AND THE CITY OF ALLEN PARK FOR IMPROVEMENTS TO BOCCABELLA PARK.

WHEREAS, under Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and as superseded by the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), as well as any successor Acts, and a Contract (the "Contract") dated October 25, 2012 between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Allen Park, County of Wayne, Michigan (the "City") and is thereby 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 essential to the public health, safety, and welfare of the City of Allen Park, including the power to exercise the authority and responsibilities of the Mayor, 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 ordinances and 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 Act 436 and specifically MCL 141.1552(1)(g) authorizing an emergency manager to make, approve, or disapprove any appropriation, contract or expenditure and MCL 141.1552(1)(dd) and (ee) which provides that an emergency manager has the power and authority to exercise, on behalf of the local government, all authority and responsibilities of the governing body including enforcement of ordinances and resolutions as provided under the Home Rule City Act, 1909 PA 279, and take any other action or exercise any power or authority of any officer, employee, board, and commission, recognizing that the power of the emergency manager shall be superior to and supersede the power of any of the aforementioned officers or entities;

WHEREAS, the County of Wayne, through its Department of Public Services, Parks Division and the City of Allen Park have an interest in establishing and maintaining parks offering safe and recreational opportunities for citizens in Wayne County. Therefore, the Parties wish to enter into a cooperative Agreement whereby the County of Wayne will fund replacement of out-of-date equipment and a shelter at Boccabella Park [the PROJECT] located in Allen Park, MI. pursuant to stated terms and conditions. Further, that Wayne County shall provide funding for this recreational PROJECT, however, such funding shall not exceed Fifty four Thousand, Three Hundred Forty Six ($54,346.00) Dollars.

WHEREAS, the PROJECT work shall be done by the City of Allen Park and the City shall provide all requested documentation to the County.

WHEREAS, this ORDER is necessary in order to fully carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 436, the Contract and the emergency financial plan;

RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ALLEN PARK, PURSUANT TO PUBLIC ACT 436 of 2013, THE CONTRACT, AND ALL OTHER RELEVANT LEGAL MANDATES THAT:

1`. The City of Allen Park approves and is authorized, through the Emergency Manager, to enter into the **AGREEMENT BETWEEN THE COUNTY OF WAYNE AND THE CITY OF ALLEN PARK FOR IMPROVEMENTS TO BOCCABELLA PARK** which establishes the rights and obligations of the Parties for Allen Park to receive and use funding from Wayne County in an amount not to exceed Fifty four Thousand, Three Hundred Forty Six ($54,346.00) Dollars for the agreed upon PROJECT, which includes replacement of out-of-date equipment and a shelter at Boccabella Park.

2. All orders of the EM, contracts, resolutions of the Allen Park City Council, 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 24th day of September, 2014.

JOYCE A. PARKER
Emergency Manager
City of Allen Park