



City of Hamtramck

3401 Evaline Street Hamtramck, Michigan 48212

Telephone 313-876-7700

Cathy L. Square, Emergency Manager

Dated: July 8, 2013

ORDER NO. S-002

RE: Appointment of the Law Firm Giarmarco, Mullins, & Horton, P.C. as City Attorney to Perform all Legal Matters

**TO: City Clerk
Mayor
City Manager
City Council**

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.1541, et. seq.) 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) provides that an Emergency Manager may take one or more of the following actions: **(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; **(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; **(o)** Employ or contract for, at the expense of the local government and with the approval of the state financial authority, auditors and other technical personnel considered necessary to

implement this act; **(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 19(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.

It is hereby ordered:

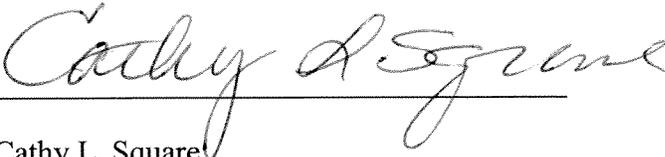
1. The Law Firm of Giarmarco, Mullins, & Horton, P.C. (“Law Firm”) shall be retained to perform all duties and responsibilities of the City Attorney for the City of Hamtramck, including but not limited to all duties listed in the City Charter and/or the Contract for Legal Services executed by and between the City of Hamtramck and the Law Firm on July 8, 2013.
2. The Contract for Legal Services made between the City of Hamtramck and the Law Firm, dated July 8, 2013, is hereby immediately adopted and implemented, and shall have full force and effect. All terms and conditions of the Law Firm’s representation of the City of Hamtramck shall be governed by the Contract for Legal Services.
3. The Retainer Agreement for Legal Services executed between the City and the law firm of Allen Brothers, Attorneys and Counselors, PLLC (“Allen Brothers”), dated October 26, 2010, shall be rescinded, effective immediately.
4. Allen Brothers shall work with Giarmarco, Mullins, & Horton, P.C. to facilitate the orderly transfer of all files being handled by Allen Brothers on behalf of the City. Giarmarco, Mullins, & Horton, P.C. shall have the sole discretion to determine which files are to be transferred and which files are to remain with the Allen Brothers.
5. All other lawyers and/or law firms currently handling files on behalf of the City of Hamtramck shall, within 30 days, provide a comprehensive summary of current legal matters to Giarmarco, Mullins, & Horton, P.C.

The Order shall have immediate effect.

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 Michigan Freedom of Information Act and

subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.



Cathy L. Square

City of Hamtramck

Emergency Manager

cc: State of Michigan Department of Treasury