

**EMERGENCY MANAGER
CITY OF BENTON HARBOR
BERRIEN COUNTY MICHIGAN
ORDER NO.: 11-05**

**ORDER PROHIBITING ALL ACTION BY ALL CITY BOARDS,
COMMISSIONS AND AUTHORITIES, EXCEPT AS AUTHORIZED BY
THE EMERGENCY MANAGER**

I, Joseph L. Harris, the duly appointed Emergency Manager for the City of Benton Harbor, Michigan (the "City"), pursuant to the power and authority granted by Act 4 of the Public Acts of Michigan of 2011, being MCL 141.1501 et seq (the "Act"), do hereby resolve and order as follows:

WHEREAS, Section 19(ee) provides that the Emergency Manager may exercise any power or authority of any office, employee, department, board, commission or similar entity of the City, whether elected or appointed;

WHEREAS, the power of the Emergency Manager as set forth in Section 19(ee) of the Act is superior to and supersedes any such officer or entity; and

WHEREAS, now, no City Board, Commission or Authority has authority or power to act on behalf of the City as provided in the Act.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Absent prior express written authorization and approval by the Emergency Manager, no City Board, Commission or Authority shall take any action for or on behalf of the City whatsoever other than:

- i) Call a meeting to order.
- ii) Approve of meeting minutes.
- iii) Adjourn a meeting.

2. That all prior resolutions, or acts of any kind of the City in conflict herewith are and the same shall be, to the extent of such conflict, rescinded.

3. This order shall be effective immediately.

City of Benton Harbor

By: 

Joseph L. Harris
Emergency Manager

Dated: April 14, 2011

April 16, 2011

<http://detroitnews.com/article/20110416/POLITICS02/104160351>

Emergency manager cuts roles of Benton Harbor officials

*SANTIAGO ESPARZA**The Detroit News*

Benton Harbor— In a move believed to be the first under sweeping new state legislation, Emergency Manager Joseph Harris suspended decision-making powers of city officials Friday.

Officials only can call meetings to order, adjourn them and approve minutes of meetings as part of the order issued Friday.

The action is likely the first since Gov. Rick Snyder signed into law in March a new statute that grants more powers to emergency managers appointed by the Treasury Department to take over distressed schools and communities.

At least one elected Benton Harbor official was sanguine about the order. "It doesn't bother me," said City Commissioner Bryan Joseph. "I'm in favor of it."

Joseph said he has watched financial mismanagement for decades, which was one of the reasons he ran for election in 2008.

But the move drew a strong rebuke from the AFL-CIO. The union represents administrative workers, among others.

"This is sad news for democracy in Michigan," said Mark Gaffney, president of the Michigan AFL-CIO. "With the stripping of all power of duly elected officials in Benton Harbor ... we can now see the true nature of the emergency manager system."

Benton Harbor has struggled with a controversial trash hauling contract, lawsuits related to the contract, new competition for water services and city officials who sometimes clashed to the point that meetings dragged on for hours, Joseph said.

"I have seen for more than 30 years the mismanagement of funds and personnel in the city," Joseph said. "Infighting has been going on for decades."

The new powers of emergency managers include setting aside collective bargaining. Harris' order comes before two days of training for prospective emergency managers and turnaround experts is to be held next week.

Harris, former chief financial officer for the city of Detroit, wasn't available for comment late Friday night.

Emergency managers are in place at Detroit Public Schools and in the cities of Benton Harbor, Ecorse and Pontiac.

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Emergency financial manager suspends decision-making powers of Benton Harbor officials

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BENTON HARBOR, Mich. — A state-appointed emergency financial manager has suspended the decision-making powers of cash-strapped Benton Harbor officials in a move that's likely the first of its kind under a new state law.

The order emergency financial manager Joseph Harris issued Friday means Benton Harbor officials can only call meetings to order, adjourn them and approve minutes of meetings, the Detroit News reported.

Harris' action is likely the first since Gov. Rick Snyder signed a law in March granting more powers to emergency managers the Treasury Department appoints to take over distressed schools and communities.

At least one elected Benton Harbor official, City Commissioner Bryan Joseph, said he wasn't upset by the order. He said he has watched financial mismanagement for decades in the southwest Michigan city about 175 miles west of Detroit, and a desire to address that disarray was one of the reasons he ran for election in 2008.

Joseph said the city has struggled with a contentious trash hauling contract, lawsuits related to that contract, new competition for water services and city officials who sometimes clashed so fiercely meetings dragged on for hours.

"I have seen for more than 30 years the mismanagement of funds and personnel in the city," he said. "Infighting has been going on for decades."

But Harris' action drew a strong rebuke from Mark Gaffney, the president of the Michigan AFL-CIO, which represents administrative workers and others.

"This is sad news for democracy in Michigan," he said. "With the stripping of all power of duly elected officials in Benton Harbor ... we can now see the true nature of the emergency manager system."

The new powers of emergency managers include setting aside collective bargaining. Harris' order comes only days before a scheduled training session for prospective emergency managers and turnaround experts.

Emergency managers are in place at Detroit Public Schools and in the cities of Benton Harbor, Ecorse and Pontiac.

Harris, a former chief financial officer for the city of Detroit, is a certified public accountant with 10 years of local government management experience.

He is currently teaching governmental accounting at Wayne State University.