



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
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Dated: March 1, 2012

ORDER NO. S-163

**RE: Approval of a Resolution to Amend the Articles of Incorporation to
Dissolve the City of Pontiac General Building Authority**

**TO: Sherikia Hawkins, City Clerk
Garland Doyle, General Building Authority, Secretary-Treasurer
John Naglick, Finance Director
Carl Johnson, (Plante & Moran)**

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(dd)** Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the local government of the chief administrative officer and governing body concerning the adoption, amendment and enforcement of ordinances or resolutions of the local government... **(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 **19(2)** ...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.

On May 15, 2012, the final payment will be made on the only remaining outstanding bond issue of the City of Pontiac General Building Authority (the "Authority").

Accordingly, based on the fact that there is no further need for the Authority, the City will adopt a Resolution amending the Articles of Incorporation of the City of Pontiac General Building Authority creating the City of Pontiac General Building Authority to dissolve the Authority effective June 30, 2012, as required and authorized by Act No. 31, of the Public Acts of Michigan of 1948, (Second Extra Session), as amended.

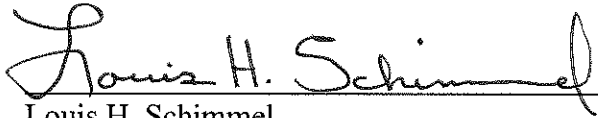
It is hereby ordered:

- (1) The Resolution attached is hereby adopted, effective as of the date of publication (see attached ATTACHMENT A).
- (2) The City Clerk take all steps necessary to reflect the above Resolution changes on the City books and records, including publication of the adopted Amendment to the Articles of Incorporation.

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 necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

ATTACHMENT A

RESOLUTION NO. A

WHEREAS, the City of Pontiac General Building Authority (the "Authority") has been incorporated pursuant to Act No. 31 of the Public Acts of Michigan of 1948, (Second Extra Session), as amended ("Act 31"); and

WHEREAS, on May 15, 2012, the final payment will be made on the only remaining outstanding bond issue of the City of Pontiac General Building Authority (the "Authority").

WHEREAS, based on the fact that there is no further need for the Authority, the City will adopt a Resolution amending the Articles of Incorporation of the City of Pontiac General Building Authority creating the City of Pontiac General Building Authority to dissolve the Authority effective June 30, 2012, as required and authorized by Act No. 31, of the Public Acts of Michigan of 1948, (Second Extra Session), as amended.

THE CITY OF PONTIAC RESOLVES, as follows:

The Emergency Manager of the City of Pontiac, Michigan, does hereby adopt the Amendment to Article V of the Articles of Incorporation of the City of Pontiac General Building Authority which is attached hereto at "Exhibit A", and hereby made a part hereof, and does hereby authorize and direct the Mayor and the City Clerk to execute the said Amended Articles of Incorporation for and on behalf of the City of Pontiac, in as many original counterparts as may be deemed necessary, and to cause the same to be filed as required by law.

EXHIBIT A

**AMENDMENT TO THE ARTICLES OF INCORPORATION OF
THE CITY OF PONTIAC GENERAL BUILDING AUTHORITY**

The following Article of the Articles of Incorporation of the City of Pontiac General Building Authority is amended in accordance with Section 10 of Act 31, Public Acts of Michigan, 1948 (Second Extra Session), ("Act 31"), is amended, to provide as follows:

ARTICLE V

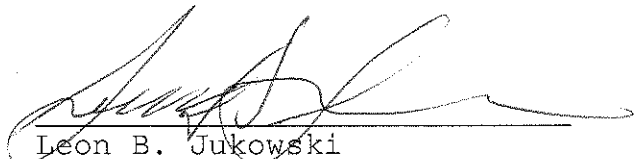
This Authority shall continue in existence until June 30, 2012. Upon dissolution, the title to any property then owned by said Authority shall vest in the City of Pontiac.

No provision contained in this Amendment to the Articles of Incorporation shall impair the obligation of any bond or contract which has been authorized or delivered prior to the effective date hereof.


This Amendment to the Articles of Incorporation shall become effective on, and be in full force and effect from and after, the date of their adoption by the Emergency Manager of the City of Pontiac.

IN WITNESS WHEREOF, the Incorporating Unit has adopted and authorized to be executed this Amendment to the Articles of Incorporation on behalf of the City of Pontiac, a public corporation of the State of Michigan, by the Mayor and its City Clerk.

BY:


Leon B. Jukowski
Mayor

BY:


Sherikia Hawkins
City Clerk