

Court of Appeals, State of Michigan

ORDER

Flint City Council v City of Flint

Docket No. 334615

LC No. 16-107434-CZ

Mark J. Cavanagh
Presiding Judge

Henry William Saad

Colleen A. O'Brien
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion for immediate effect of this Court's September 9, 2016 order is GRANTED. That order is hereby VACATED and REISSUED as follows.

Pursuant to MCR 7.205(E)(2), the Court orders that the Genesee Circuit Court's August 11, 2016 order granting the motion for appointment of Barry A. Wolf as attorney for Flint City Council is REVERSED. Since the City of Flint remains in receivership, the powers of its elected city council are restricted by the Emergency Manager orders issued under MCL 141.1550. Under EM Order 20, ¶4(a)(7), council resolutions are subject to approval by the Receivership Transition Advisory Board [RTAB] before they take effect. Under EM Order 3, ¶21, "[a] proposed ... initiation of litigation ... shall not be effective unless approved by the Board." It is undisputed that the city council's resolution to join the action in question was rejected by the Board. Since the Board did not approve the resolution or approve the city council's initiation of litigation, there was no basis to appoint counsel to represent the city council in the litigation. Mr. Wolf may continue to represent the individual city council members, but he cannot be appointed to represent the city council or be paid for his services by the city without the approval of the RTAB. This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 29 2016

Date

Chief Clerk