



**EMERGENCY MANAGER
CITY OF FLINT
GENESEE COUNTY MICHIGAN**

ORDER No. 3

DIRECTIVES TO COUNCILMAN ERIC MAYS

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER ("EMERGENCY MANAGER) FOR THE CITY OF FLINT, MICHIGAN ("CITY") PURSUANT TO MICHIGAN'S PUBLIC ACT 436 OF 2012, LOCAL FINANCIAL STABILITY AND CHOICE ACT, ("PA 436"); DARNELL EARLEY, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

Pursuant to Public Act 436, the Emergency Manager has broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the City of Flint and its capacity to provide or cause to be provided necessary services essential to the public health, safety and welfare; and

Pursuant to Public Act 436, the Emergency Manager acts in place of local officials, specifically the Mayor and City Council, unless the Emergency Manager delegates specific authority; and

Pursuant to Public Act 436, the Emergency Manager has broad power to manage the local government, and may issue orders to elected and appointed officials necessary to accomplish the purpose of the act. An order issued under PA 436 is binding on the person to whom it is issued; and

Pursuant to Public Act 436, the Emergency Manager may prohibit a local elected official from access to the local government's office, facilities, electronic mail, and internal information systems for failure to abide by an order which disrupts the Emergency Manager's ability to manage the local government; and

Emergency Manager Order No. 2, City Council's Responsibilities and Partial Restoration of Compensation, effective March 28, 2013, provides that "[a]ll communication with staff must be in writing and directed through the Emergency Manager"; and

On November 22, 2013, Councilman Eric Mays signed the attached Acknowledgment of Receipt in which he confirmed having received and read Emergency Manager Order No. 2, and agreed to abide by its terms; and

On December 2, 2013, Councilman Mays violated Order No. 2 by verbally attacking a Police Department employee, to the point that she was brought to tears, as described in the attached affidavit; and

On December 3, 2013 and December 4, 2013, Councilman Mays violated Order No. 2 by subjecting the Emergency Manager's secretary to disjointed and lengthy diatribes, in which his behavior was highly agitated and seemingly out of control, as described in the attached affidavit; and

In both instances, Mr. Mays used his position as a Council member to intimidate City of Flint personnel, and engaged in loud, uncivil, unprofessional, aggressive and erratic behavior; and

Councilman Mays has a history of disruptive behavior, with numerous occasions that the police have had to physically remove him from Council Chambers, as well as a February 22, 2013 conviction for disorderly conduct for persistently disrupting a public hearing; and

At the City Council meeting on November 16, 2013, his first as an elected official, Councilman Mays repeatedly interrupted and delayed the proceedings; and

Councilman Mays' failure to abide by Order No. 2, has disrupted and interfered with the Emergency Manager's ability to manage the local government; and

If allowed to continue, Councilman Mays' disruptive behavior will significantly undermine efforts to strengthen the City Council in preparation for its very critical leadership role as the City of Flint moves toward a transition advisory board; and

Governance of the City of Flint is subject to extraordinary circumstances due to a financial emergency, such that action in response to Mr. Mays's disruptive behavior is necessary; and

Based on the above, and in order to allow for the effective management of the City of Flint, it is ordered that:

1. Councilman Mays shall not directly communicate with City of Flint staff, including the Emergency Manager, except for the following:
 - a. to report an emergency or to respond to Police or Fire Departments;
 - b. in association with payment for his personal utilities or taxes;
 - c. in association with starting or stopping his personal water service;
 - d. as permitted by the Emergency Manager.

2. Councilman Mays shall not make referrals to the Emergency Manager or any other City staff.
3. Councilman Mays shall inform residents of the 1st Ward to direct matters to the City Clerk, who shall then submit those matters to the Emergency Manager.
4. Councilman Mays shall communicate with the Emergency Manager via email only, unless otherwise directed by the Emergency Manager.
5. Councilman Mays shall not be disruptive during City Council meetings and other meetings to which the Emergency Manager directs him to attend, and shall not:
 - a. address Council during the public comment period;
 - b. address Council unless he is first recognized by the Council president;
 - c. address Council about matters that are not on the Council agenda.
6. Councilman Mays is permitted access to City Hall only on Monday through Friday from 8 a.m. to 5 p.m. and during Council meetings, but otherwise shall not be permitted on the premises;
7. Councilman Mays is no longer permitted to utilize the City Hall parking garage and shall immediately return to the City Clerk the parking garage opener he was issued;
8. The Council President shall enforce the above directives at City Council meetings and, in the event a person persists in disturbing the orderly conduct of a Council meeting after having been clearly informed that he or she is unreasonably causing a disturbance, shall request that the police arrest that individual under Flint City Code §31-12(6), Disorderly Conduct and Disorderly Persons.

This Order is effective December 13, 2013.

This Order may be amended, modified, repealed or terminated by any subsequent order issued by the Emergency Manager.

Dated: 12-13-13

By: _____



Darnell Earley
Emergency Manager
City of Flint

xc: State of Michigan Department of Treasury
Mayor Dayne Walling
Flint City Council
Inez Brown, City Clerk

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