

**EMERGENCY MANAGER
CITY OF BENTON HARBOR
BERRIEN COUNTY MICHIGAN
ORDER NO.: 11-12**

**ORDER TO RESCIND UNLAWFUL ACTION OF THE CITY
COMMISSION**

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, on April 14, 2011, the undersigned Emergency Manager issued Order Number 11-05 prohibiting all action of all City Boards, Commissions, and authorities except those specifically authorized by the Emergency Manager, and those to call meetings to order, approve minutes, and to adjourn meetings;

WHEREAS, on May 2, 2011, the City Commission convened a meeting and approved a certain resolution numbered 050211-1 and entitled "United States Constitution" (the "Resolution"); and

WHEREAS, the Resolution is in violation of Order 11-05 and is therefore unlawful and in violation of the Act.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Resolution is hereby declared and found to be in violation of Order 11-05.
2. The Resolution is hereby also, therefore declared and found to be unlawful, invalid and in violation of the Act.

3. The Resolution is hereby rescinded and shall not be interpreted as an act of or on behalf of the City.

4. The City Commission is hereby ordered to abide by all Orders of the Emergency Manager as set forth in Section 17(1) of the Act.

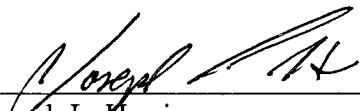
5. Any Commissioner that moves or seconds the adoption of any resolution or motion not specifically authorized by the Emergency Manager will be deemed to have violated Order 11-05 and the Act.

6. The undersigned Emergency Manager reserves the right to take all measures authorized by law to ensure compliance with and prevent further violations of Order Number 11-05, all Orders of the Emergency, and the Act.

7. That all resolutions and orders in conflict herewith are, to the extent of such conflict, hereby rescinded.

8. This order shall be effective immediately.

City of Benton Harbor

By: 

Joseph L. Harris
Emergency Manager

Dated: May 4, 2011