



After repeal of Public Act 4 during the general election November 2012, the lame duck legislature passed a new law – Public Act 436 in defiance of the voter’s wishes. Public Act 436 retains the emergency manager model as found in PA4. Undemocratic features of the new law include:

- The emergency manager acts in the place of the governing body and local government unit – setting aside the structure of local government and all separation of powers established by local electors in municipal charters.
- The emergency manager not only assumes all the power and authority of all the local elected officials, but also assumes markedly greater power – the power to, in his or her sole discretion, enact local law by decree (literally) and to disregard existing local law as contained in municipal charters and ordinances.
- An emergency manager has the power to terminate collective bargaining agreements and contracts.
- An emergency manager can unilaterally privatize services regardless of existing ordinances and charter provisions prohibiting privatization of certain departments and services.
- An emergency manager can even dissolve the local municipality with approval of the state Governor and Treasurer.
- The emergency manager is granted virtually unlimited governing power over all matters of municipal concern, including subject matters wholly unrelated to the city’s financial condition.