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POWER, POLITICS, AND PARTICIPATION: THE IMPACT OF MUNICIPAL
TAKEOVER ON LOCAL DEMOCRACY

By

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ABSTRACT OF THE DISSERTATION

Power, Politics, and Participation: The Impact of Municipal Takeover on Local

Democracy

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This research focused on the ways in which municipal takeovers reshape local democracy, not only by suspending representative government, but disrupting the existing order and creating opportunities and incentives that shift power in the local political system. The primary question that guided this research was: *how*, through its implementation, does municipal takeover policy reshape local democracy? Drawing from a constructivist- institutionalist framework, I found that the tools and strategies designed by the state to fix a local government's fiscal health have both instrumental and symbolic effects, which restructured who, and by what means residents, groups, and organizations, participated politically.

To answer the question about how municipal takeover policy reshapes local democracy and to identify the causal mechanisms that explain how municipal takeover can alter the local political system, this project utilized a policy-centered case study of Flint, Michigan, a city most recently in the news for lead contamination in its water. Michigan has one of the most aggressive policies for addressing local fiscal crises in the United States; state law effectively suspends the governing authority of local elected officials and puts in place state-appointed Emergency Managers. My analysis drew on

documentary evidence from state and local government, news media, and Flint-focused urban histories; fieldwork conducted during the summer of 2015, at which time I interacted with many residents and local stakeholders; and 35 semi-structured interviews. Information gleaned from the data was analyzed using both interpretive and process tracing tools.

This study shows that municipal takeover policy had a significant impact on local democracy in Flint. I found that the policy, when implemented, disparately impacted members of the community: benefiting some, while burdening others. How residents made meaning of takeovers was related to how they responded politically. As a result of changes in participatory access, allocation of resources, and their perception of the takeover, opponents of the policy created and utilized new pathways to power, undermining the inherent lack of democratic participation provided under takeovers and ameliorating the symbolic effects of the perceived threat to democracy.

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Introduction

Michigan has one of the most aggressive policies for addressing local fiscal crises in the United States. First passed in 1988 to address financial issues in Hamtramck, the policy has been revised several times, most recently in Public Act 436, approved in 2012. Over the past three decades, nine Michigan municipalities have seen the power of local elected officials usurped by the state for varying periods of time. Theoretically, municipal takeovers are intended to be temporary and limited: once the fiscal crisis is abated, the city is supposed to return to its *ex ante* political status.

Michigan Governor Rick Snyder addressed the residents of the state in a September 2012 editorial in the *Detroit Free Press* to justify the state's aggressive approach to state intervention. In his statement, he drew on the rhetorical style of posing possible criticisms of such laws, and then carefully dismantling those criticisms. He first pointed out that takeovers are good for a community in stress: "It's not about takeovers or control. It's about helping communities and schools get back on solid financial footing and adapt to changing circumstances and fiscal realities." To address the concerns of public workers, the governor stated: "It's not about voiding contracts or circumventing collective bargaining, but about ensuring fair contracts and benefits while recognizing that the past status quo simply isn't sustainable anymore." And to answer citizens deeply worried about the loss of their voting franchise, he offered this justification: "It's not about voting rights. This updated measure was passed after a thorough legislative process and robust public discussion. Emergency Managers are accountable to me and the Legislature, all of whom are elected" (Snyder, 2012b).

Governor Snyder's editorial provides an excellent frame for understanding some of the most important values-conflicts that surround municipal takeovers, particularly as they relate to democracy and local politics, conflicts that have received little attention from scholars and policy makers who are often more interested in the fiscal and economic dimensions of takeovers. Even among those who have criticized municipal takeover policy, lamenting the "death of democracy" and the suspension of duly elected local officials, little notice has been paid to municipal takeover's impact on local politics over time.

My research addresses these oversights by providing an analysis of the deeper and more lasting impact of such strong state interventions on power and participation. The project is directly focused on the ways in which municipal takeovers reshape local democracy, not only by suspending representative government, but disrupting the existing order and creating opportunities and incentives that shift power in the local governing regime. I argue that the tools and strategies designed to "get the local government's fiscal house in order" (Snyder, 2012a) when implemented at the local level, have both instrumental and symbolic effects which reshape who, and by what means residents, groups, and organizations, may participate politically.

One primary question has guided this research: *how*, through its implementation, does municipal takeover policy reshape local democracy? This question focuses on identifying the causal mechanisms that explain how Flint's municipal takeover altered the local political system, and in so doing rests on the assumption that policies create politics (Lowi, 1964; March & Olsen, 1984; Pierson, 1993; Piven & Cloward, 1971; Schattschneider, 1935; Schneider & Ingram, 1993; Skocpol, 1992).

To answer this question, I utilize a case study of Flint, Michigan, a city most recently in the news for lead contamination in its water. Flint provided an excellent site for my study. After decades of white flight, economic disinvestment, and neoliberal policies, Flint, like many other small de-industrialized cities, faced a staggering structural deficit (Scorsone & Bateson, 2011; see also Sugrue, 1996). Under the auspices of fixing Flint's fiscal emergency, Michigan has placed the city under emergency financial management twice, first in 2002 and again in 2011. Michigan's "Emergency Manager Laws," as they are often referenced, effectively suspended the governing authority of local elected officials and put in place a series of state-appointed Emergency Managers. The policy suspended local representative democracy in an effort to avoid municipal bankruptcy, or as some have argued, for politically motivated reasons, like breaking up the union presence and power in the city (Abowd, 2012).

On December 1, 2011, the state-appointed Emergency Manager took office in Flint, thereby placing the city under state control. The municipal takeover began with the first Emergency Manager, Michael Brown, eliminating the positions of seven political appointees, cutting the salaries and benefits of the mayor and city council, and taking control over city governance. Residents' reactions to the takeover were mixed. Some decried the municipal takeover and state intervention in Flint as an affront to democracy. Others supported state control. Still others were ambivalent, concerned for the fiscal health of the city, yet uncomfortable with the suspension of democracy.

My methodological approach gives voice to this variation in community responses, recognizing that the implementation of the takeover is interpreted differently by different people. How people made meaning out of the takeover was related to both

how they were affected and how they responded politically. As such, this research project draws on the rich methodological and epistemological traditions of constructivism and neo-institutionalism by utilizing a policy-centered research design (see Hacker, Mettler, & Soss, 2010; Mettler & Sorelle, 2014). Both interpretive analysis and process tracing tools were utilized to uncover how the takeover created instrumental and symbolic effects.

The organization of the study reflects the question posed above. Chapter 1 situates the project within the existing literature on municipal takeovers, highlighting the policy paradox inherent in municipal takeover, as well as provides an overview of the historical and legal foundations of municipal takeover policies. Chapter 2 focuses on policy feedback theory; i.e., how municipal takeovers can impact democracy. I discuss my methodology in Chapter 3. In Chapter 4, I turn my attention specifically to contextualizing the Flint case, by providing it's demographic, economic, and political background and analyzing the political stakeholders. Chapter 5 provides analysis of my findings. The Conclusion summarizes my finding and discusses their implications.

“A different law should be put into place to help distressed cities... [one that does not] poison democracy, poison water, and poison communities”
 – Marcus Muhammad, Mayor of Benton Harbor, MI

Chapter 1. Current Approaches to Municipal Takeover Research

Flint, Michigan may be one of the best-known, contemporary cities in the United States that has been deemed in a state of fiscal crisis and placed under state receivership. The number of municipalities in receivership is never large, except during periods of severe economic downturn like the Great Depression. Notwithstanding the small universe of such cases, there is a long history of state intervention in local government affairs, dating back to 1878 (Kossis, 2012). Moreover, there has been a noticeable increase in its utilization in recent years, as well as moves to increase the power of the state through the passage of new laws.

There is a growing literature about municipal takeovers that can be loosely categorized into two camps: scholars who have drawn primarily on the fields of economics, budget and public finance, to examine the fiscal and economic dimensions of state responses to local government failure (Cahill & James, 1992; Coe, 2008; Kloha, Weissert, & Kleine, 2005) and political pundits, journalists, and some legal scholars who have criticized municipal takeover policy, lamenting the “death of democracy” and the suspension of duly elected officials (Maddow, 2012; Mahler, 2011; Wilde-Anderson, 2012; Kossis, 2012). Beyond the focus on municipal takeover, there is an extensive literature on the fiscal and economic dimension of state responses to local government failure. These literatures, however, have paid little meaningful attention to the longer-term, political impact of these policies.

Municipal Takeovers as Policy Paradox

For the purposes of this research, a municipal takeover is defined as the state-directed policy of declaring a municipality to be in a state of fiscal emergency and intervening by: 1. placing the municipality under state receivership; 2. handing over control of most or all local government decision-making to a state-appointed manager, effectively relieving local elected officials of their governing authority; and, 3. implementing a combination of tools to stabilize the local government's fiscal condition.¹ Municipal takeovers are a policy of last resort, used when both local government and the local economy are unstable and crisis-prone. A state's concern regarding credit downgrades, municipal bankruptcy, and fiscal contagion are common motivations for strong intervention (Pew Charitable Trusts, 2013; Spiotto, 2012). Wolman et al. (2007) highlighted this concern, noting "cities whose economies are stagnant, whose residents suffer from poverty and unemployment, whose budgets are in chronic fiscal stress, and who require state aid to sustain basic services are a drag on the entire state economy" (p. 1).

Municipal takeovers, by design, are intended to be temporary and limited: once the crisis is abated, the city is supposed to return to its *ex ante* political status. Yet, changes to city governance and the manner in which community members interpret the takeover have a long-term political legacy. In many ways, the use of municipal takeover is a policy paradox (Stone, 2012), one that centers on short-term fiscal stability versus long-term political change, and economic rationality versus democratic principles.

¹ This research focuses on municipal takeovers of cities, and therefore does not address the takeover literature on school districts or public utilities, unless directly relevant.

The policy paradox perspective provides a useful framework for evaluating the current literature on municipal takeovers. As Stone (2012) pointed out there are tradeoffs in public policy; tradeoffs between the values of the “polis” and the “market” and tradeoffs between equity and efficiency. Many fields, including political science, public administration, policy analysis, and law are on a “common mission of rescuing public policy from the irrationalities and indignities of politics,” otherwise known as the “rationality project” (p. 9). In other words, policy scholars typically seek to view policies as rational, systematic, and scientific, eschewing politics as “an unfortunate obstacle... to good policy” (p. 10). In the case of municipal takeovers, such examinations often fail to take into account the role of politics, and the values of the “polis” (including democracy), in the policy process.

Urban Fiscal Crises and Fiscal Stability. The literature of municipal takeovers draws overwhelmingly on economics and public finance, focusing on efficiency and stability (see Berman, 1995; Cahill & James, 1992; Spiotto, 2012). From a state’s perspective, it is critical to intervene in local fiscal crises (Spiotto, 2012). Local fiscal distress can be a drain on state resources (i.e. through long-term state aid); and failure to address local fiscal emergencies can lead to municipal bankruptcies or downgraded credit ratings of other localities and the state (i.e. spillover effect).

Cities are limited by their legal subordination to state government. While many states have adopted home rule protections to support local autonomy and community control, addressed in more detail below, cities are not free of state intervention under home rule, except in regard to “matters purely local in nature” (Frug, 1999, p. 17). States have extensive fiscal *oversight* responsibility over local and municipal governments. In

this context, the takeover of a local government by a state is warranted when local fiscal distress threatens the economic or fiscal stability of the region or state (Pew Charitable Trust, 2013; Spiotto, 2012).

Cahill & James (1992) noted that, “in the interest of efficiency,” state interventions are desirable, they also recognize that such policies are at odds with the political value of local control, “which holds that municipalities have significant roles and functions in the political system and that their existence should be supported, not supplanted” (p. 91- 92). These authors conclude, like many of their colleagues, that from a “rational” fiscal and economic perspective, municipal takeovers look like the best alternative, when compared to municipal bankruptcy or doing nothing (Cahill & James, 1992; Coe, 2008; Kloha et al., 2005). Moreover, states have a fiduciary responsibility to guarantee that municipalities meet their obligation to provide services to the public (Kloha et al., 2005). As a result of the hegemony of this rational-fiscal perspective, little attention is paid to the potential long-term socio-political ramifications of municipal takeover policy.

In Benton Harbor, MI, for example, Emergency Manager Joseph Harris, seemed nonplussed by the criticisms that the law suspended local democracy. In a scathing review of Michigan’s municipal takeover law, Mahler (2011) wrote, Harris was “Blissfully free of the checks and balances of democratic government, he [Harris] is living the dream of every frustrated city administrator.” In the article, Harris was quoted, “Here, I don’t have to worry about whether the politicians or union leaders like what I am doing, I have to worry about whether it’s the right thing to do. That’s the only thing that should matter. I love this job.” (as cited in Mahler, 2011). Harris, a true symbol of the

“rationality project,” seemed to enjoy the freedom to make determinations free from politics.

Kasdan (2015) noted that it is imperative that these emergency managers, or as he calls them “hatchet men,” who are given unprecedented power over local affairs, strive for transparency and collaboration (Kasdan, 2015). Transparency and collaboration was not on the top of Harris’s agenda in Benton Harbor. Moreover, what is not addressed in Kasdan’s analysis is with whom should these Emergency Managers collaborate? In this analysis, I explore in more detail who retained access and thus power under municipal takeover and who was denied participation.

Representative Democracy and Local Control. Municipal takeovers, by definition, suspend local control and representative democracy by removing or superseding the powers of local elected officials. Most criticism of municipal takeover focus on this element and pay scant attention to the deeper, longer lasting impact of these takeovers on local politics. Whether it is political pundits (Maddow, 2011; Savage, 2012) or protesters in the street, most critics focus on the removal of elected officials, calling it an “affront to democracy.” Maddow (2011), for example, posed the following questions with regard to Michigan’s municipal takeover law:

Who gets to have a local democracy? Who is considered worthy of being allowed to elect their own local officials? And why is taking democracy away considered to be a prerequisite for fixing a broken place? Should your vote matter, even if the state doesn’t like the decisions of the people you elect. Should your vote count?

Here, Maddow, focuses on the right to vote for elected officials and the importance of electoral politics and representative democracy. In other words, municipal takeovers are an affront to democracy because local residents are no longer governed by those they elected to represent them.

Under the representative democracy framework, elected officials, and their appointees—must, at least at a minimum—engage with voters and community stakeholders. State-appointed managers, on the other hand, are freed from the burdens of the democratic process. The primary mechanism for public accountability—voting—is rendered meaningless. Here, the emphasis is on which government official makes the decisions: a locally elected official who is accountable to the voters or a state-appointed manager who does not have to deal with the messiness of politics.

While this criticism is valid, it does not fully capture the reality that these non-elected officials are making decisions that have consequences beyond their tenure. I argue that critics over-emphasize the issue of representative democracy and electoral politics and do not fully address the broader politics of the policy process. The institutional structure or design of local government, which is modified under municipal takeover, impacts who participates or engages with government and to what extent their involvement influences decision-making (Fung, 2006). For example, in Flint, the Emergency Manager eliminated citizen's district councils thereby destroying one of the mechanisms for residents in low income areas of the city to “fight blight and rehabilitate urban areas” as a part of federal Community Development Block Grants process (Longley, 2012e). As the example highlights, municipal takeovers go beyond the suspension of representative democracy, they have the capacity to reshape the ways in which residents engage with local government.

Moreover, the narrow focus on the representative democracy and electoral perspective also opens the “death of democracy” argument up to two important criticisms from takeover proponents. First, municipal takeovers are most commonly implemented in

municipalities with already low voter turnout—Flint, Camden, Detroit—it could be argued that the democracy is already dead, or well on its way even before the municipal takeover. In Camden, NJ, for example, voter turnout in the 2009 election, in the midst of their takeover, was half the state average (CamConnect, 2009; See also Nickels, 2012). Secondly, many supporters of strong state intervention argue that it is not undemocratic, because the people who drafted the laws and the governors who appoint the managers, are democratically elected, and thus represent their interests.

Legal scholarship on municipal takeovers provides broader critique of municipal takeovers, emphasizing the threat to local control. Wilde-Anderson (2012) referred to municipal takeover policy as a form of “democratic dissolution,” emphasizing, for example, how the Michigan law “empower[s] Emergency Managers to replace all officials elected to govern the city” (pg. 587). She continued, “[the law] allows the receiver [state-appointed Emergency Manager] to literally lock local officials out of city offices, email accounts, and internal information systems, if needed to minimize disruption of ‘the Emergency Manager’s ability to manage the government’” (p. 587). Wilde-Anderson’s argument is primarily a normative one, claiming that the municipal takeover does little to address the cities’ structural deficits, while undermining democracy in the process. Municipal takeover, from this perspective, is a threat to local control (see also Kossis, 2012) and popular sovereignty. These are important critiques, but do little to illuminate long-term political impact.

A Different Perspective: Power, Participation, and Urban Politics. The suspension of local control, broadly speaking, is a valid concern. However, not all members of the community are equally affected by the political impacts of a takeover.

Critics of municipal takeovers rarely delve into the possibility that some members of the community may welcome takeovers while others may oppose them (see AlHajal, 2011; MRG, 2013). Moreover, decades of urban politics and policy research teach us that local politics is more than local elections or local elected officials and that key decisions are made outside of city hall and the ballot box (see Berry et al., 1993; Dahl, 1981; Peterson, 1981; Stone, C. 1989). Municipal takeover, by design, changes the structure and organization of local government.

Recent scholarship suggests that municipal takeovers can be a catalyst for changes in the local governing regime in smaller distressed cities, by moving away from a pro-growth regime to a “Community Development Regime,” comprised of high-capacity nonprofits, community development corporations, and anchor institutions (Harris, 2016). This was evident in the Benton Harbor case. Under Harris’ term as Emergency Manager, he steered a major contract for a golf course development to a local nonprofit economic development corporation backed by Whirlpool; meanwhile critics of the takeover were refused access to city hall (Mahler, 2011).

Harris’ (2016) research and the example from Benton Harbor, suggest that politics-as-usual is disrupted under municipal takeover. This disruption, or shock, creates opportunities for already powerful community interests to gain more influence in the local political system, further supporting the claim that some entities benefit from the takeover.

To the extent that takeovers reorder governance and local policymaking, they also create new opportunities or pathways for citizens and interests that were dissatisfied with the previous arrangement. Policy implementation is like a “coordination game,” in which

distributive issues of who gets what and how, depends on the “relative power of the actors” (Hall, 2010, p. 215). Moreover, how political actors respond to these changes depends, in part, on whether or not they are included in the new—albeit temporary—power structure. In Flint, for example, many residents, who felt excluded from local decision making during the 2011 takeover, formed the Democracy Defense League (DDL). The DDL not only organized protests, the organization was instrumental in drawing a clear link between the choices made by Emergency Managers and the Flint Water Crisis, proving a platform for whistleblowers to come forward.

Race is another important dimension of municipal takeovers that is overlooked by the “rationality project,” though evident in much of the criticism of municipal takeover policies highlighted above. An important social construct that organizes people’s realities, race plays a significant role in how takeovers are perceived. States like Michigan and New Jersey, where municipal takeovers have been applied to primarily majority Black cities, make salient the importance of race. For example, McClinton (2014a) noted,

[The] Emergency Manager Law, signed by Governor Snyder, was driven by the perception that Black elected officials are dysfunctional, incompetent, and corrupt, and cannot be trusted to manage the affairs of the city. This narrative helps to explain, in part, why despite comprising 13% of Michigan’s population, over 50% of African Americans live under Emergency Managers.

As McClinton statement suggests, after the takeover of Detroit, nearly half (49%) of the state’s Black population lived in a city with a state-appointed manager and for all intents and purposes without an elected local government (Eclectablog, 2011b; Lewis, 2013; Nichols, 2013). In fact, recent legal battles highlight the important, and until recently, overlooked issue of race in relation to municipal takeovers: On November 19, 2014, the

US District Court Eastern District of Michigan, ruled that a lawsuit brought by plaintiffs through Michigan could move forward on the claim that takeovers disproportionately affect African Americans, and therefore violate the Equal Protection clause prohibiting discrimination on the basis of race (Steeh, 2014).²

Municipal Takeovers in Legal and Historical Perspective

Municipal takeovers have been the subject of study by scholars whose interests are in understanding how the power relationship between the states and the municipalities evolves. Historians and urban sociologists have looked to the practice and legal underpinnings of state interventions in local affairs, for example, as a way to study the development of modern the state.

Libonati (2006) wrote, “Only national and state governments... enjoy [Federal] ‘constitutional legitimacy’” which creates an “intellectual milieu” to debate the “constitutional legitimacy and autonomy of local government” (p. 817). As briefly discussed above, the intellectual discussion and legal conflict over municipal takeovers is typically framed by varying understandings and beliefs about local autonomy. From a legal perspective, municipal governments are wards of the state, and as such, legal debates of municipal takeover are situated within the context of municipal home rule. Home rule, as Vanlandingham (1968) noted, is the “legal device” used by local governments to assert autonomy from the state.

American municipalities obtain their existence and authority from their state constitution and/or state legislature. According to Vanlandingham, “In the absence of

² The federal district court judge dismissed, however, numerous other claims made by the plaintiffs: the law did not violate right to due process, to have local government, or to vote in local elections (see ruling, Steeh, 2014).

state constitutional provisions to the contrary, [local governments] are subject wholly to state legislative control” (1968, p. 269). This line of thinking stems primarily from two sources: Iowa State Judge John Dillon, and the judicial opinion found in *Hunter v Pittsburg* (1907). The oft cited Dillon stated in 1868,

Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it can destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, if we can suppose it capable of such great a folly and so great a wrong, sweep from existence all of the municipal corporations of the state, and the corporations could not prevent it. (*City of Clinton v Cedar Rapids & Missouri River Co.*, 1868).

Dillon’s work and ideas on local government became the “bible on municipal law” (Judd & Swanstrom, 2015, p. 41). Dillon’s Rule, as it is now known, was derived from the public perception that local governments were irresponsible and wasteful, as evidenced by the large upsurge of municipal defaults on loans in late 19th century America (Kossis, 2012; see also Monkkonen, 1995). The subordinate role of municipal government was affirmed under federal constitutional law in *Hunter v Pittsburg* in 1907. Addressing the [Federal] constitutionality of merging smaller suburbs with the city of Pittsburg, Justice Moody wrote:

Municipal corporations are political subdivisions of the State, created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them... The number, nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the *absolute discretion of the State*... The State, therefore, at its pleasure may modify or withdraw all such powers, may take without compensation such property, hold it itself, or vest it in other agencies, expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter and destroy the corporation. All this *may be done, conditionally or unconditionally, with or without the consent of the citizens, or even against their protest.* (emphasis added)

The opinion continued, “In all these respects the State is supreme, and its legislative body, conforming its action to the state constitution, may do as it will, unrestrained by any provision of the Constitution of the United States” (*Hunter v Pittsburg* 1907).³

Taken together, Dillon and *Hunter* highlight that local government law and local autonomy are situated within the state legal framework. While local governments may be creatures of the state, and not protected by the Federal constitution, most state constitutions do provide local government protections from legislative action. In other words, while federal constitutional law aligns with Dillon’s Rule, state constitutions vary widely in terms of how power is allocated to sub-governments, and what restrictions are placed on state intervention in local affairs.

Home rule doctrine comes in various forms, namely legislative and constitutional home rule. Legislative home rule emphasizes the limitations placed on legislatures by state constitutions. Legislative home rule protects municipalities from various types of legislative interference, such as the prohibition against drafting ‘special acts.’

Other states have gone beyond protection from legislative intervention to empower municipal governments. Constitutional home rule, adopted by states more

³The federal constitutional opinion in *Hunter v Pittsburg* is controversial. For a review of the challenges to this legal opinion, see Kathleen Morris’s article, “The Case for Local Constitutional Enforcement” (2012, p. 5). In addition to highlighting past critiques of the judicial opinion, or what has become the Hunter Doctrine, she also posits that *Hunter v Pittsburg* should be overturned for two reasons, 1. The Hunter Doctrine’s position on local government powerlessness “was effectively overruled in 1938 by *Erie v. Tompkins*.” *Erie*, Morris argues, overturns *Hunter* on the grounds that *Hunter* was not decided on Constitutional grounds, but rather common law grounds; and 2. “the rule of local powerlessness has always stood on shaky analytical ground” (p. 5). Morris continues by acknowledging the normative value of overturning *Hunter* on the grounds that “there are good reasons to support local constitutional enforcement; such enforcement has the potential to promote local power, enhance the democratic legitimacy of constitutional litigation, and shore up local constitutional competency” (Morris, 2012, p. 5).

aligned with Michigan Supreme Court Judge Thomas Cooley⁴ than Dillon, gives local governments more freedom in framing, adopting, and amending their own charters, thereby giving them significant autonomy over a broad range of local issues (Bromage, 1961, p. 2). However, as Libonati (2006) highlighted, most constitutional home rule states have adopted the American Municipal Association (AMA) formulation of constitutional home rule, through which control over the scope of local power is retained by the state legislature (Libonati, 2006; Vanlandingham, 1975).⁵

While most states have adopted some form of home rule protection, as Frug (1999) pointed out, “cities are free of state control under home rule only on matters purely local in nature” (p. 17). When it comes to economic matters, states have fiscal oversight responsibility over local and municipal governments. Therefore, municipal takeovers are a mechanism of state fiscal policy, allowing the State to supersede home rule protections, even in constitutional home rule states.

State-Imposed Receivership & Evolution of Municipal Takeover Policy. The roots of municipal takeover date to the late nineteenth century. Beginning in the 1850s, local governments had taken on significant public debt to build railroads and develop real estate, and their zealous community building resulted in a flood of local government defaults that were instrumental in the economic depression of 1873. According to

⁴ A contemporary of Dillon, Cooley was an avid supporter of local autonomy and municipal home rule. In *People v Hurlburt* (1871), he wrote, “some things are too plain to be written... the usages, customs, the maxims, that have sprung from the habits of life, modes of thought... the sentiments of manly independence and self-control which impelled our ancestors to summon local community to redress local evils, instead of relying upon king or legislature at a distance.”

⁵ Vanlandingham (1975) discusses the move from the *imperium in imperio* doctrine established in the Missouri constitution to the AMA Model. The *imperium in imperio* doctrine, provided authorized cities to frame charters for their own government “consistent with and subject to the Constitution and laws of the State.” (Mo. CONST. art. IX, § 16 (1875), as cited in Vanlandingham 1975).

Monkkonen (1995) there were 941 municipal bond defaults between 1854 and 1929. During the Great Depression that number increased almost 400%; by 1935 there were 3,251 municipalities that had defaulted.

Missouri was the first state to create a process for state-imposed receivership in the mid-1870s in an attempt to deal with the municipal default crisis (Weikart, 2013), but the first state-imposed takeover took place in Memphis, TN in 1880, before *Hunter* (Kossis, 2012, p. 1117). According to Kossis (2012), the takeover was “so controversial that it resulted in a challenge to the state receivership law in *Meriwether v Garrett*” (Kossis 2012: 1117).⁶ In *Meriwether v Garrett* (1880), the court ruled that the state had a right to force the city into receivership, noting “the receiver appointed by the court was invested with larger powers than probably any officer of a court was ever before intrusted [sic] with.” Of particular importance here, is the court’s statement on municipal governments and the right of a state to repeal a city’s charter:

The right of the State to repeal the charter of Memphis cannot be questioned. Municipal corporations are mere instrumentalities of the State for the more convenient administration of local government. Their powers are such as the legislature may confer, and these may be enlarged, abridged, or entirely withdrawn at its pleasure. This is common learning, found in all adjudications on the subject of municipal bodies and repeated by text-writers. *There is no contract between the State and the public that the charter of a city shall not be at all times subject to legislative control*⁷. (*Meriwether v Garrett* 1880, emphasis added)

As Kossis noted, “in light of the almost unanimous acceptance of the substantive principles underlying Dillon’s Rule, the tenor of this holding is not surprising” (2012, p. 1117). In fact, objections to state-imposed receivership that escalated again during the

⁶ *Meriwether v Garrett* was used in *Hunter v Pittsburgh* to show precedent, noting “This court [U.S. Supreme Court] has many times had occasion to consider and decide the nature of municipal corporations, their rights and duties, and the rights of their citizens and creditors” (*Hunter v Pittsburgh*, 1907).

⁷ As highlighted below, this is addressed in many states by the adoption of constitutional home rule provisions that protect municipal charters from legislative interference.

Great Depression “were non-existent, as states fell into a pattern of imposing receivership on fiscally distressed cities” (2012, p. 1117). Mechanisms for intervention, such as a state financial control board, were established; with the first state financial control board being implemented in Manchester, New Hampshire in 1921 (Weikart, 2013).

By the mid-1930s municipal defaults had become a national problem, and as a result the federal government passed the Municipal Bankruptcy Act of 1934 (and 1937) to provide a mechanism for orderly debt adjustment for municipal governments (Lehmann, 1950). While the new legislation offered support to local governments, states continued, as they had previously, to intervene. According to Berman (1995), some states took complete control of local governments that were in fiscal distress, continuing to place them under receivership. In Oregon, for example, the state legislature responded to local fiscal crises brought on by the Great Depression by passing legislation that allowed state courts to place municipalities that defaulted on their bond payments under receivership (Kossis, 2012).

World War II and the affluence of the post-War period reduced concerns about municipal defaults; however, the 1970s brought another cycle of urban fiscal crises. Large cities such as New York City, Chicago, and Philadelphia faced fiscal crises and were placed under financial oversight by the state, renewing discussions over the benefits of strong state interventions via fiscal emergency laws. Many states developed local financial emergency laws in a proactive attempt to cope with the consequences of local financial emergencies (Kloha et al. 2005; Scorsone, 2014). At the same time, there is still significant variation in how states deal with local financial emergencies. Some states do little; some states deal with it on a case-by-case basis, while still others have adopted

general legislation (Cahill & James, 1992, see also Pew, 2013; Scorsone, 2014). Scorsone (2014) has identified some of the characteristics that municipal fiscal emergency laws share. In addition to “defin[ing] the conditions that would trigger a crisis,” such laws outline what governing bodies should do “once the crisis is established” (p. 11). Many also define “exit” strategies. He also discussed the variation among states for enforcement.

There are numerous ways to categorize state fiscal emergency laws. In this analysis, I drew on the typologies developed by The Pew Charitable Trust in their 2013 report on *State Role in Local Government Fiscal Distress* and Scorsone’s 2014 white paper, *Municipal Fiscal Emergency Laws*.

Only about two-fifths of the states (19) have some form of intervention laws on the books: Connecticut, Florida, Illinois, Indiana, Maine, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, and Texas (Pew, 2013). Of these, three states, Connecticut, New York, and Massachusetts, are special legislation states that address local fiscal concerns on a case-by-case basis. The remaining 16, including Michigan, have general legislation in place to monitor and address local fiscal conditions (Pew Charitable Trusts, 2013; Scorsone, 2014). Moreover, some states are more aggressive than others in how they intervene: some simply monitor fiscal conditions, while others allow for stronger forms of state intervention. Cahill and James (1992) noted that “the most extensive form” gives state officials the power to “supplant local decision making authority” (Cahill & James, 1992, p. 91).

Table 1.1 shows that policies vary in terms of both who is given authority to carry out local reforms, as well as the tools available to them. Pew (2013) created a typology of state interventions, identifying three groups that carry out the policy and six “intervention practices” utilized by states (see also Cahill et al., 1992). Some states, like Michigan for example, allow for a single individual—whether they are called a receiver, a Chief Operating Officer, or an Emergency Manager—these individuals have sole authority to “take charge” of the local government’s budget and operations (Pew Charitable Trusts, 2013).

Table 1.1 Approaches to State Intervention

Group Responsible	Receiver, Financial Manager, Overseer, or Coordinator (receiver)	A single individual, who may go by different titles, is given the authority to control some level of municipal fiscal affairs and/ or general management.
	State Agency or Department (agency)	Role of state agencies varies; may play significant role on a financial control board
	Financial Control Board (board)- Local or State	A state appointed body, composed of any number of people with a mix of public managers and private citizens with expertise in finance and accounting, put in place to oversee local fiscal and managerial affairs
Intervention Tool	Debt	Approve bond sales or renegotiate terms of existing bonds
	Labor	Reduce labor costs by renegotiate existing labor contracts or shared service agreements
	Taxes, fees, and credits	Increase existing taxes and fees or implement new ones
	Emergency financing	Provide state loans (often no- or low-interest loans), grants, or credit guarantees. (This can include economic development financing)
	Technical Assistance & Budget Approval	Auditing records, creating a financial plan or balanced budget, negotiating and approving labor and other contracts, and approving spending
	Dissolving or consolidating local government involuntarily	Allow for the disincorporation or dissolution of a city and consolidate it with other nearby jurisdictions

Source: Pew Charitable Trusts, 2013; Weikart, 2013; Scorsone, 2014

Other states, like Pennsylvania designate an agency to oversee the city’s fiscal reforms. Still others, like Illinois, provide for a financial control board. The tools

available under state intervention also vary across states. As Table 1.2 demonstrates, “no two states are alike” (Pew Charitable Trusts, 2013).

State approaches to takeovers, therefore, vary by legislative type (general or special), to whom authority is given (a state agency, a board, or a single person), as well as by the tools and strategies allowed under state law. Table 1.2 highlights the variation among states by legislative type and, group responsible, as well as tools and strategies allowed. A list of relevant state statutes are included in Appendix 1.

Table 1.2 Characteristics of State Intervention Laws by State

	Group Responsible	Debt	Labor	Taxes Fees	Finance	Budget	Dissolve
GENERAL LEGISLATION							
FL	Board				X	X	
IL	Board	X	X	X	X	X	
IN	Receiver		X		X	X	
ME	Board	X		X	X	X	
MI	Receiver	X	X	X ⁸	X	X	X
NV	Agency	X	X	X	X	X	X
NH	Agency				X		
NJ	Receiver or Board	X		X	X	X	
NM	Board				X	X	
NC	BOARD	X		X		X	
OH	Board	X				X	
OR	Agency	X				X	
PA	Receiver or Board	X	X	X	X	X	
RI	Receiver or Board	X		X		X	
TN	Board	X		X	X	X	X
TX	Judiciary Receiver					X	
SPECIAL LEGISLATION							
CT	Board	X	X	X		X	
NY	Board	X	X		X	X	
MA	Board	X		X	X	X	

Source: Pew, 2013; Weikart, 2013; Scorsone, 2014;⁹ Review of State Legislative websites

⁸ Under Michigan law, the Emergency Manager can increase fees. Tax increases can be proposed but must go before the voters for approval.

⁹ Scorsone did not include New Hampshire, New Mexico, Oregon in his analysis as they do not require a receiver or board, only monitoring by a state agency

Many states that began adopting state intervention laws in the 1970s in the wake of New York City's fiscal crisis, have continued to revise their laws. Ohio, for example, first adopted its emergency financial law in 1978 to address the fiscal crisis in Cleveland, but updated its law in 1996 to include townships and counties (Scorsone, 2014). New Jersey has one of the oldest state intervention laws, dating back to the Great Depression, but legislators significantly revised it by passing the Municipal Recovery and Redevelopment Act (MRERA) in 2002 to address the on-going fiscal crisis in Camden. Further revisions of the law are being considered to avoid a municipal bankruptcy in Atlantic City by giving the state the power to alter union contracts (King, 2016; Marcus & Livio, 2016). In Rhode Island, the state intervened and adopted general legislation after the city of Central Falls attempted to file for municipal bankruptcy. Michigan's laws, much like the others, have evolved over time.

The history of municipal takeover policy, its development, and its application has evolved overtime. The design of the policy varies across states, in terms of the powers provided to the party responsible, as well as the tools and strategies provided for under law. Moreover, the tensions between fiscal stability and local control have long framed the debate about whether states should intervene in local affairs, and if so, the extent to which the state should wield its power.

Contribution of this Project

There is great variation in intervention types; and there is variation in current approaches to studying these policies. While state intervention is not a new response to cities in financial trouble, state governments are becoming increasingly more aggressive in how they address local fiscal crises. For example, Sapotichne, et al. (2015) refers to

Michigan's takeover law as "A brave new world for state intervention" (p. 17). Martin, Levey, and Cawley (2012) suggested that the great recession of 2008 created a "new normal" for local government through the implementation of "long overdue reform" of financial, service, and employment policies across states (p. 18). While the authors look at a broad range of strategies, the use of strong state interventions such as municipal takeover, is but one (albeit extreme) way that state and local governments have implemented financial, employment, and service reforms, thereby altering the post-recession political landscape (Martin, et al., 2012, p. 25).

What are the implications for local governments, and for urban democracy more generally? Wilde-Anderson (2012) suggests that municipal takeovers "go too far in suspending local democracy... and do much too little ... at addressing the underlying causes of persistent decline" (p. 28; see also Sapotinchne, Scorsone, and Henion, 2016). The "popularity," or increased utilization especially in Michigan, of the takeover strategy has led to the development of training centers for Emergency Financial Managers. One such training, hosted by the investment-banking firm Stout Risius Ross in collaboration with Turnaround Management Association, brought in 350 participants from across the country, including representatives from California, Michigan, New York, and Ohio (Farnham, 2011; Henderson, 2010). Topics of the training included, among other things, dealing with a unionized workforce.

These actions by state legislatures have broad implications for local governments and for urban democracy. While the threat of municipal bankruptcy or credit downgrades may be motivations to seek intervention, such action implies, as several scholars have pointed out, that the state government has the expertise and the means to "do it better."

Even if this supposition is true—that the state can do it better—what is the effect on local participation and urban democracy? What happens to citizen participation when local democracy is suspended? Chapter 2 begins to address these questions.

Chapter 2. How Policy Shapes Politics

Municipal takeover policies vary across states. Yet, fundamentally, the theory underlying municipal takeovers “is that the state can do it better... the state can take over the local government and run it better...” (Scorsone, as cited in Hakala, 2016). These policies are premised on the notion that “there is a need for an immediate change in management” at the local level (Berman, 2003, p. 128) and that local government officials are unwilling or unable to fix the problems facing the city. Implicit in this argument is that these problems are best resolved by financial experts and technocrats selected and appointed by the state.

Municipal takeovers are designed to be temporary, yet, state intervention policies “assume that states can help bring both immediate and long-term improvements that survive long after the state-appointed interveners have departed” (Berman, 2003, p. 128). The policy, therefore, is temporary on the one hand, but meant to be durable and lasting, on the other. Yet, “for distressed municipalities, state intervention appears most useful in dealing with short term emergency problems” (Berman, 2003, p. 128) and does “next to nothing for addressing underlying structural causes of local distress” (Sapotichne, et al., 2016), including the continued decline in local revenue. Municipal takeovers might only be financially successful in the short-term, but the long-term “improvements” that are put in place have lasting political consequences.

A municipal takeover represents a shock to a municipality, because it disrupts the political status quo by appointing an Emergency Manager and placing the local government under state oversight. Though the policy is technically temporary, a shock of this nature, I argue, has a long-term impact on local political institutions and processes.

These institutions and processes not only shape the goals of political actors, but also influence the way power relations are structured (Hall, 1986; Stone, 2012). In other words, municipal takeovers create a “policy window” (Kingdon, 1995) whereby some local stakeholders may advance their own political agendas, as Harris (2016) found in Camden, NJ. On the other hand, those groups that are excluded from participating, whether the exclusion is actual or perceived, may seek alternative modalities for engagement with the local political system, whether that be through protest or community organizing.

The premise that policies create politics is well supported by decades of research in the fields of political science and public policy (see Lowi, 1964; March & Olsen, 1984; Pierson, 1993; Piven & Cloward, 1971; Schattschneider, 1935; Schneider & Ingram, 1993). More recently scholars have refined this idea, positing that policy decisions create constituencies and interests, and thereby affect future policy and politics (see Campbell, 2003; Mettler, 2005; Pierson, 1993; Skocpol, 1992). This research project addresses the gaps in the current literature on municipal takeover, by focusing on how these policies changed the “rules of the game” (Lowndes & Roberts, 2013; Stone, 2012) and therefore reshaped who participated in the local political system and by what means those individuals were able to engage in the process.

Because there has been little analysis to date about the political impact of municipal takeovers, my research project focuses on theory building to identify the conditions and causal mechanisms that, when activated, reshape local politics. I draw on two related constructivist-institutional theories in this research project: policy feedback theory and social construction theory. The constructivist-institutionalist approach allows

me, as a researcher, to analyze “key moments of change,” e.g. the shock of the takeover, and through “theoretically informed process tracing and discourse analysis,” uncover the causal mechanisms, or the links, between the takeover and changes in local politics (Hay, 2008, p. 58).

Moreover, the constructivist-institutionalist approach and supporting theories work well with the policy paradox framework highlighted above, as each posit that political institutions influence and shape political strategies, while recognizing that the institutions themselves are the product of human action rooted in our perceptions and ideas about the world (see Stone, 2012; Hay, 2008). This project, therefore draws on theoretically grounded propositions about how municipal takeover policy is likely to change local politics, and is interpretive in that how residents perceived, interpreted, and “framed” the takeover is at the center of the analysis (see Yanow, 2007, p. 412).

Policy Feedback Theory

Policy feedback theory sits at the “intersection” of policy analysis and policy process research, “bring[ing] political considerations to bear on policy analysis, assessing how policies affect crucial aspects of governance, such as whether they promote civic engagement or deter it; whether they foster the development of powerful interest groups; and how they affect institutional government capacity” (Mettler & Sorelle, 2014, p. 152). Policy feedback “illuminates the impact of policies on democracy,” by highlighting the ways in which vested interests “reconfigure arrangements of power in society” (p. 152).

Policy feedback literature describes the manner in which people’s experience with public policies affects how they understand politics in general, and their role in the political process (Mettler, 2005; Pierson, 1993; Schneider & Ingram, 2005; Soss, 1999).

Public policies have the capacity to “reorganize power relations” and “mobilize or pacify constituencies” (Moynihan & Soss, 2014, p. 322).

While much of the policy feedback literature focuses on policy stability and path dependence, there is a growing interest in understanding the ways in which public policies mobilize new interests, and in some instances, create opposition among those most disadvantaged by the policy (Mahoney & Thelen, 2009; Jacobs & Weaver, 2015; Thelen, 2004); what Jacobs & Weaver (2015) refer to as the “self-undermining” effects of policy feedback.

Policies, Jacobs & Weaver (2015) argue, can have “social consequences that reshape actors’ preferences and capacities... in ways that diminish political support and expand opposition coalitions” (p. 444). Schneider & Ingram (2005) noted, “the messages sent by public policies and other institutions are reflected in how people perform their role as citizens,” suggesting that those who feel their voice is valued will participate, while those who feel devalued may not (p. 23). As such, public policies have the power to shape both the “ability and desire” of citizens to engage with the political world (Burch, 2013, p. 1).

Municipal takeover, therefore has the capacity to restructure local politics by “defining who belongs in the political community, specifying how and when citizens can participate in politics, redistributing resources among individuals and social groups, and determining the balance of power and influence among citizens” (Burch 2013, p 4). Takeover policies, like all policies, are “political forces that [have the capacity to] reconfigure the underlying terms of power, reposition actors in political relations, and

reshape political actors' identities, understandings, interests, and preferences" (Moynihan & Soss, 2014, p. 321).

Municipal takeover policy, for example, emphasizes economic rationality over the messiness of politics. The rules, norms, and values of this logic are evident not only by how municipal takeover policy was designed (and redesigned), but also, how the policy was implemented at the local level. Emphasis on financial stability and economic development meant seeking partnerships with development corporations, the chamber of commerce, and other business elite, while isolating or excluding those perceived as a drain on resources, whether the general public, local elected officials, or the unions. Municipal takeover policy, as a result, creates winners and losers, thereby reshaping the preferences, interests, and responses of community stakeholders.

Moreover, as Bachrach and Baratz (1962) argued, it is essential, in political analyses, to not only ask who is in power, but who has the power to shape the agenda. They noted, "having analyzed the dominant values, the myths and the established political procedures and rules of the game, [a researcher should then] make a careful inquiry into which persons or groups, if any, gain from the existing bias and which, if any, are handicapped by it" (Bachrach & Baratz, 1962, p. 952). In the context of municipal takeovers, where the bias is toward fiscal stability and economic development, the bias will lean toward inclusion of economic interests.

Policy feedback scholarship typically focuses on the conditions under which policies produce politics by identifying the feedback mechanisms, or effects. Here I focus on two broad feedback effects: instrumental effects and symbolic effects.

Instrumental Feedback Mechanisms. Instrumental feedback effects derive from the policy tools and strategies outlined in the policy design. Here, the instrumental effects include allocation of benefits and burdens, as well as organizational restructuring.

Benefits and Burdens. Policies distribute benefits and burdens. The allocation of economic or political resources, or benefits, create positive feedback effects that mobilize constituencies and interests, who seek to maintain the policy, thus leading to policy stability (Campbell, 2003; Pierson, 1993; Mettler, 2005). On the other hand, policies may also allocate burdens, in which case constituencies may mobilize in opposition, threatening the stability of the policy (Jacobs & Weaver, 2015) or acquiesce to the status quo by disengaging (Burch, 2013; Soss & Schram, 2007).

Emergency Managers, for example, are given the authority to implement municipal takeover policy at the local level, distributing benefits and burdens to community stakeholders. While the “rationality project” attempts to minimize politics, this authority is political, in that the Emergency Manager has the capacity, within the confines of the law, to decide “who gets what, when, [and] how” (Lasswell, 1936; see also Lipsky, 1978). Taken together, I posit that those who benefit in some capacity from the municipal takeover, whether directly or indirectly, will support the takeover and attempt to preserve the changes made under Emergency Manager, while those who bear the burdens will either disengage or find alternative means for participating in the local political system.

The allocation of benefits and burdens, whether it is securing a government contract with the city or the termination of a collective bargaining agreement, is also mediated by how the process is, or is perceived to be, managed and administered. In this

way, policy implementation and administration are fundamental. Encounters with local government bureaucrats, including in this context Emergency Managers, teaches citizens “lessons about the state” and, as such, may “mark them in politically consequential ways, alter their political capacities, and reposition them in relation to other citizens and dominant institutions” (Moynihan & Soss, 2014, p. 322).

In this way, changes to local government structure are key to understanding how policies create politics, beyond resource allocations. Municipal takeover policy allows for Emergency Managers to restructure local government. In the short term, municipal takeovers create barriers to access for some members of the community. For example, traditional pathways of engagement, such as speaking during public comment at city hall meetings, are rendered meaningless. Emergency Managers, under Michigan law, also have the capacity to change and remove board members on various governing boards, providing opportunities to surround themselves and the Emergency Manager team with like-minded community stakeholders. In Benton Harbor, for example, the Emergency Manager reconfigured the city’s planning commission (Eclectablog, 2011a).

Longer-term structural changes are also put in place under the auspices of reducing costs and staffing. Emergency Managers may consolidate departments or eliminate offices all together. In Camden, NJ for example, the city’s planning and development offices were consolidated and the city’s previously defunct redevelopment agency was “resuscitated” (Kromer, 2010). In Flint, one of the first executive orders issued by Michael Brown was the elimination of the City’s Ombudsman Office and Civil Service board.

Changes in the institutional structure, whether temporary or permanent, means that some community stakeholders have access to decision makers, while others do not. Those stakeholders whose participation is barred or otherwise impeded will overcome this obstacle by expressing their discontent in other ways. Opposition interests may engage in political protest, or, as Lake et al., (2007) found in the case of Camden, NJ, may organize community groups to oppose to actions undertaken by the Emergency Manager. In Michigan, union members, who were targeted under the enhanced Emergency Manager Law, sought to undermine the law by organizing a ballot initiative, in coalition with other activists from across the state, to overturn it. Moreover, as takeovers remain in place for years, these initially temporary protest movements may formalize, creating new community-based organizations, through which community members can voice their concerns (Shragge, 2013) and advance an alternative political agenda (Jacobs & Weaver, 2015), as was the case in Flint with the DDL.

Symbolic Feedback Effects & Social Construction. While it is true that policies may have a disparate impact on stakeholders through the allocation of benefits and burdens or the restructuring of local government, policies also have interpretive effects. In this way, policy feedback has important connections to social construction theory.

Public policy responses are informed by how we perceive policies, or how we interpret the goals and targets of the policies. Schneider & Ingram (2005) posited that people construct meaning, and interpretation of public policies, based on their experience with the policy. Policies structure opportunities differently for different populations (Ingram et al., 2007) and are therefore perceived differently. From this perspective, it is not only important to understand how municipal takeover policy disparately impacts

community stakeholders, it is essential to understand how people interpret and make meaning out of the takeover.

For example, government responsiveness to community concerns and an individual's access to government decision makers sends a message to citizens about their "role in the community, their status in relation to other citizens and government" as well as their perception about the "extent to which a policy affected their lives" (Mettler, 2002, p. 352). Policy design, i.e. rules, tools, and rationales, send important messages to stakeholders about the importance of their problems and how likely it is that their participation in policy making will be effective (Ingram, Schneider, & deLeon, 2007; Soss, 1999). In this way, policies have the capacity to shape both internal and external political efficacy (Burch, 2013). Municipal takeovers are perceived by opponents as an attack on their right as citizens to govern themselves. Municipal takeover policies are premised on the assumption that citizens are unable to govern themselves.

Stone's (1989) concept of the "causal story," fits well here, because it suggests that different stakeholders develop narratives, or "casual stories" around different types of problems. Causal stories influence how we perceive problems and shape solutions. Thus, causal stories, or narratives about perceived problems, are important politically:

They have a strong normative component that links suffering with an identifiable agent, and so they can be critical of existing social conditions and relationships. They implicitly call for a redistribution of power by demanding that causal agents cease producing harm and by suggesting the types of people who should be entrusted with reform. And, they can restructure political alliances by creating common categories of victims (Stone, 1989, p 300).

In the case of municipal takeovers, who tells the story, and which story they adopt—in other words, how they identify the causes of the takeover—determines the formation of

the takeover agenda. Moreover, the opposing stories help inform how and why groups coalesced around narratives of opposition.

Symbolic effects are mediated by context (see also Falleti & Lynch, 2009). How people make meaning out of the takeover is, in part, influenced by their actual and perceived position and role in local politics prior to the takeover. For example, in Flint, historical realities regarding race and the role of unions are important mediators of how the policy is interpreted. As such, municipal takeovers have mixed reviews: some view them as necessary, while others perceive them as threats.

Here, however, it is important to note, that these symbolic effects are mediated by the visibility and proximity of the policy (Beland, 2010; Soss & Schram, 2007). Beland (2010), for example, argued that “existing policies only stimulate the political participation of citizens who are aware that such policies have a significant effect on them” (p. 579). Thus, awareness is key. While most of the research that utilizes policy feedback theory examines federal policy, the issue of visibility and proximity make it particularly useful for examining local policy feedback effects. Given that takeovers are still relatively rare, they are often publicly debated and highly visible and the impact is more direct and localized.

Chapter 3. Research Design & Methodology

My research design for understanding the municipal takeover of Flint and its consequences is guided by Institutional Analysis, an approach that “allows us to examine the relationship between political actors as objects *and* as agents of history. The institutions that are at the centre ... can shape and constrain political strategies in important ways, but they are themselves also the outcome (conscious or unintended) of deliberate political strategies of political conflict and choice” (Thelen & Steinmo, 1992, p 10, emphasis added). In other words, institutions, including policies, have the capacity to shape behavior, but are themselves the product of human action, which is rooted in socially constructed ideas about the world.

An institutional focus fits well with the narrative that unfolded in Flint and permits me to examine the ways in which municipal takeover policy, as it was implemented, shaped and constrained the strategies of community stakeholders, and at the same time, study how the policy’s intended fiscal stability and economic outcomes blinded the Emergency Managers (whether conscious or unintended) to the potential political ramifications of their decisions. Moreover, I argue that municipal takeover policy affected political strategies by creating both direct instrumental effects, as well as symbolic effects related to how people interpreted the strategies, targets, and goals of the policy.

Case Study Research Design

Given the nature of my question, I draw on the rich methodological and epistemological traditions of constructivism and neo-institutionalism by utilizing a policy-centered case study research design. This research design is appropriate for two

reasons. First, the political impact of the takeover, the dependent variable of interest in this analysis, was not known prior to my investigation. As Seawright & Gerring (2008) put it, my “puzzle of interest...lies within the case” (p. 299). In this way, the research was exploratory; Secondly, I am not testing a theory, but identifying the political outcomes and building a theoretical explanation to support my findings. As Meredith (1998) suggests, the case study allows a phenomena, event, or institution to be studied in its natural setting thus allowing meaningful, relevant theory to be generated from actual practice or experience.

Much like policy analysis or program evaluation, I am interested in the impact of the municipal takeover policy. Unlike policy analysis, however, I am not interested in testing and evaluating intended outcomes, prescribed by the “rationality project.” Instead, I investigate the intentional or unintentional impact on the polis (see Hacker, Mettler, & Soss, 2010; Stone, 2012). Therefore, I adopted a policy-centered research design, where “policy serves as the focal point for a broader analysis of how political forces shape governance and how government actions reshape the society and polity” (Hacker, et al., 2010, p. 14; Hacker & Pierson, 2014). Research that examines how policies are “reshaping governance in enduring ways” according the Hacker & Pierson (2014, p. 644), is particularly amenable to qualitative research designs as it requires in-depth, process-oriented, and context-specific investigation (see also Fischer, 1998; Gerring, 2001, Yin, 2014).

The case study research design is well suited to examine “how and why” research questions with a deep understanding of the nature and complexity of the entire phenomena, event, or institution (Meredith, 1998). The case study method also provides

the tools to examine historical and social context, decision making processes, and discourse (George & Bennett, 2005, p 9). Moreover, understanding the complex nature of a given phenomenon can offer analytic leverage that can “directly contribute to more valid descriptive and causal inference” (Brady et al., 2010, p. 25). Because there is a small universe of studies on municipal takeover, the Flint case allows for the identification of causal processes (George & McKeown, 1985) that link the takeover implementation to political outcomes, but takes seriously how context informs those outcomes (Falleti & Lynch, 2009). Thus a central focus for my research is an examination of how the elimination of participatory mechanisms for citizen engagement led to the development of an adversarial grassroots movement in Flint.

Finally, the policy paradox framework (Stone, 2012) and social construction theory (Schneider & Ingram, 1997) draw on a constructivist-interpretive epistemology that maintains that our reality and understanding of the world is socially constructed. The ways that people make meaning out of the takeover, e.g. whether they see it as a necessary evil or the “death of democracy,” matters in how they respond to the decisions made by the Emergency Manager. Investigating how community members interpreted the takeover demands a research design that emphasizes depth over breath, and complexity over parsimony.

Two other, more personal, reasons make the case study research design useful for this study. Both are practical in nature and draw on a post-positivist mentality. First is my commitment to engaged research, wherein the researcher seeks to engage and empower community members through the articulation of their views, concerns, and beliefs (Silverman & Patterson, 2015). During my interviews, for example, many of the

participants were eager to share their thoughts, good and bad, about Emergency Managers, in hopes that their contribution would serve to inform policy makers, government officials, and other community leaders.

The second reason is guided by my interest in informing future public policy debates regarding municipal takeover. The single case research design allows me to delve deep into the stories, narratives, and experiences of municipal takeover in Flint, all while recognizing that Flint is not isolated in its experience. As Carpenter pointed out, “there is value in studying a singular case, not because it represents so many others but because it influences so many others” (2010, p. 20). This argument is surely true in the case of municipal takeover legislation, where one state looks to others to draft legislation (see Ungar, 2011; Marcus & Livio, 2016). Therefore, the results of my case will serve to empower Flint’s residents, but also serve as a warning to residents in other municipalities facing financial exigency of some sort.

Limitations of Case Study Design. Choosing an appropriate research design means recognizing “fundamental tradeoffs” (Brady et al, 2010, p. 26; see also George & Bennett, 2005; Gerring 2001). While, as a small N design, the research has limitations in terms of generalizability, the study is instructive to other municipalities facing receivership. What the design sacrifices in terms of breadth, it makes up for in terms of explanatory richness (George & Bennett, 2005; Gerring, 2001). According to George & Bennett (2005), “case study researchers generally sacrifice the parsimony and broad applicability of their theories to develop cumulatively contingent generalizations that apply to well-defined types or subtypes of cases with a high degree of explanatory richness” (p 31). While the case study design allows for depth of analysis, realistic and

context specific investigations and is adaptive, the design lacks generalizability, and it may be challenging to replicate (Yin, 2014).

Recognizing the weaknesses of case study research design meant that I could mitigate the possible pitfalls of such research. My understanding of the limitations of this research design informed how I selected my case, my data collection procedures, and tools of analysis. For the numerous reasons listed above, including both theoretical and practical justifications, I use a policy centered, single case study research design.

Case Selection

Flint, Michigan was selected for its analytic and practical utility. Flint is representative of the small cohort of cities that have experienced municipal takeover, making it a useful case to “probe causal mechanisms” and develop an explanation about how the takeover changed local politics that is applicable and “testable” in other takeover cities (Seawright & Gerring, 2008). In other words, because Flint is similar to other cities placed under a state-appointed Emergency Manager, it is, with regard to local economic and socio-political conditions, a useful case through which to examine *how* the policy reshapes governance and local democracy.

Flint is a small city, with population of just under 100,000, located 65 miles northwest of Detroit. Like many of its contemporaries that have faced municipal takeover, Flint has experienced the devastation of de-industrialization, and the associated consequences of that decline: concentrated poverty as well as chronic economic and political disinvestment discussed in more detail in chapter 4 (Contextualizing Flint). From this perspective, Flint typifies other cases of municipal takeover.

From a theoretical standpoint, the case as a whole offers variation on the key variables of interest: policy design, management style, and community response.

Michigan's municipal takeover laws evolved over time. Flint was first placed in the hands of an Emergency Financial Manager from 2002 until 2004, under the auspices of Public Act 72. The city was again placed under the control of a series of Emergency Managers from 2011 to 2015, under a series of state policies (PA 4, PA 72, and PA 436). Public Act 4 (PA 4), or the Local Government and School District Fiscal Accountability Act, replaced Public Act 72, increasing the powers of the Emergency Manager. After PA 4 was repealed by referendum, Public Act 436 replaced it, modifying the law only slightly.

As a neo-institutionalist explanation would posit, the first takeover informed both the creation of PA 4 and 436, as well as the community's responses to the subsequent takeovers. Flint, having experienced all iterations of the policy, provides an opportunity to see if, and how, changes in the law impacted the city's political system. Importantly, these changes permit me to explore how community members perceived and responded to the policy shifts.

Data Collection

The data collection process utilized here emphasizes data triangulation. Data triangulation is necessary in single-case research design to provide convergent evidence and strengthen construct validity (Yin, 2014). Therefore, this project draws on data from a variety of sources including: (1) documentary evidence, which included government documents (budget reports, progress reports, executive orders, and meeting minutes) as well as newspaper articles, television and radio broadcast footage, and Facebook, (2)

observation and field notes, and (3) semi-structured interviews with community leaders, residents, and activists.

Documentary Evidence. Documentary evidence was collected throughout the research project. However, the process began with the “soaking and poking” phase, a qualitative method often used as a preliminary step in case study research (George & Bennett, 2005). As the name denotes, this stage emphasizes the need to become familiar with the topic, examining how the issue has been presented to date and looking for possible relationships among the variables. In this case, the soaking and poking phase was carried out between November 2012 and March 2015. Throughout the more-than-two year time period, I reviewed and compiled a significant number of documents and raw data: Newspaper and magazine articles from the *Detroit Free Press*, *New York Times*, *LA Times*, *Flint Journal*, *Slate Magazine*, and *New Yorker*; scholarly articles on the issue of fiscal distress and local democracy; research, dissertations, and books about Flint, including but not limited to *Demolition Means Progress* (Highsmith, 2015), *Teardown* (Young, 2013), *A Town Abandoned* (Dandaneau, 1996); and, Flint-based social media posts and blogs.¹⁰

Documentary content also included such local government records as Emergency Manager executive orders, quarterly budgetary reports, statements of the Emergency Manager, and city council meeting minutes, *Imagine Flint* planning reports,¹¹ as well as election result data from the Genesee County Clerk’s office.¹²

¹⁰ I followed Facebook pages, such as Flint Strong, Black Lives Matter-Flint, Communities First (Flint), City of Flint, and Flint Neighborhoods United, and blogs, such as Flint Ex-Patriates.

¹¹ City reports, documents, and other materials (including past video recordings and transcripts of city council meetings) are readily available on the city’s website (www.cityofflint.com).

¹² Non-electronic data from 2000-2008 was photographed at the Clerk’s office. This was combined with readily available electronic documentation available on the county website (www.gc4me.com)

The soaking and poking phase culminated in a short trip to Flint in March 2015, where I carried out five preliminary interviews with long-time residents and community activists. I spent a weekend in Flint, meeting with people, and walking and driving around the city.¹³ These interviews and observations were useful in further identifying target interview participants as well as familiarizing myself with the city's neighborhoods and landmarks. Familiarizing myself with the city proved important during the interviews, as participants often referenced specific neighborhoods or landmarks in the city.

During my brief, 4-day, trip to Flint, I met with people from a prominent anti-takeover group as well as a former employee of the city of Flint. My goal during these preliminary interviews was to get a sense of what was happening in Flint from the perspective of engaged community activists, identify gaps in my knowledge of the Flint case, begin building relationships with people in the city, and better understand how the research project could benefit the community. It was, and continues to be, my hope that this research be practical and collaborative, where appropriate. The preliminary interviews and observations aided in the development of my interview guides, discussed in more detail below, and served as a key element in the stakeholder analysis. The preliminary meetings were not recorded or coded, but notes from the meetings were included in the field notes. The notes from the preliminary interviews served as a starting point in the development of the interview guide.

¹³ I walked through downtown and parts of the Carriage Town neighborhood, north of the Flint River. However, due to limited familiarity with the city and the lack of public transportation, I spent most of my time driving through the city.

Observation and Field Notes. It was important to familiarize myself with the city and become known and trusted by leaders in the community (Ostrander, 2013; Silverman & Patterson, 2015). In June 2015, I was conducting my fieldwork in Flint. From June-September 2015, I immersed myself in the community: conducted interviews, attended community meetings and public events, and lived in the city. I got coffee from local shops, spent time in the city library, walked through area parks, shopped at the Flint Farmer's Market, and rented rooms and apartments in various neighborhoods across the city. To supplement my interviews, I periodically attended and/or observed¹⁴ political events, such as city council meetings and political protests, which were aimed at Flint's water crisis. Additionally, I documented my experiences and observations via field notes. My field notes primarily include "jottings" or initial impressions of the situation (Silverman & Patterson, 2015).

The jottings were documented in a notebook. I made comments about the time, place, and atmosphere. For example, during the lunch rush in a nice downtown Flint restaurant, I wrote

Mid-day, professional lunch crowd. Looks like (and sounds like) university/professionals--not surprising with UM-Flint, MSU across the street. And Mott Foundation, Chamber of Commerce. They all seem to be right here, literally right next to each other.

These notes were not transcribed or coded on their own, but served as a tool to understanding and visualizing the experiences of those that I interviewed. These notes served two purposes: first, they helped me make sense of, and document, what I was

¹⁴ City council meetings are recorded and posted on YouTube (<https://www.youtube.com/playlist?list=PLom4-mJ5N8tY10N8aYUc8j-LtasIW-4vR>). I was only able to attend two of the meetings in person, but I observed others via video recording.

seeing when engaging in participant observation; and, second, they aided in the interview coding process.

Semi-structured Interviews. For this project, I conducted interviews, both formal and informal, over the course of 6 months (from August 2015- November 2015). Thirty-nine semi-structured interviews were conducted, 35 of which were transcribed, coded, and used in the analysis. Of the interviews not included in the analysis, two were conducted with former Flint residents, whose research focuses on Flint. These two interviews were used to inform my background knowledge of the city, aiding in “putting together the pieces of the puzzle,” but were not included in the interpretive analysis. The other two interviews were with community residents who wished to be involved, but did not wish to be recorded for the interview. Other, informal non-recorded interviews were also conducted over the course of my fieldwork. These informal interactions took place at city council meetings, charter review commission meetings, and over lunch. The comments were captured in my field notes, but are not used in the interview analysis.

Interview participants were initially selected based on a preliminary stakeholder analysis, discussed in more detail below, and then using purposive, snowball sampling, I recruited others to participate in the interviews. Ultimately, I identified the following groups for semi-structured interviews:

- Local elected officials, including mayors and city councilors
- City employees and appointees
- Emergency (financial) managers and key advisors
- Receivership Transition Advisory Board (RTAB)
- Labor Unions, including UAW & AFSCME
- Community organizers and grassroots activists
- Neighborhood associations
- Faith community, including Black Churches
- County government
- Members of local government planning and advisory boards

- Genesee and Flint Chamber of Commerce
- Flint-based anchor institutions, including Hurley Hospital, UM-Flint, Mott Community College
- Community and economic development agencies, including public and private entities
- Local business owners and executives
- Foundations, including Community Foundation of Greater Flint, Ruth W. Mott and C. S. Mott Foundations
- Nonprofit executives and program managers
- Journalists and scholars, with expertise on Flint politics (note, these individuals were not included in interview analysis, but offered important insights regarding their own work in Flint)

Interview Participants. Among the 35 interviews that were transcribed, coded, and used in the analysis, 11 were Black (31.5 percent) and, 24 participants were White (68.6 percent).¹⁵ While this does not reflect the population of the Flint, where 56.6 percent of the population identifies as Black or African American (U.S. Census, 2010), the larger proportion of White participants is likely due to the nature of Flint's business and nonprofit elite, who are disproportionately White. Additionally, due to the nature of snowball sampling, White community leaders often referred other White community leaders and residents. As noted in more detail in chapter 4 (Contextualizing Flint), while the city is a majority Black city, many city institutions, the Chamber of Commerce and Mott Foundations for example, are predominately White institutions.

Interview participants who identified as Black came from all areas of community leadership, representing public, private, and nonprofit interests, and were disproportionately opposed to the takeover (10 of the 11 interviewees explicitly opposed the takeover). This topic is explored in chapter 5 (Analysis) as race was a key theme that emerged from the interviews.

¹⁵ Racial identification was determined by observation and was not explicitly asked as a part of the interview.

Table 3.1 Interview Respondents by Race and Takeover Opinion

	Black	White	TOTAL
Support	1 (2.9%)	4 (11.4%)	5 (14.3%)
Oppose	10 (28.6%)	9 (25.7%)	19 (54.3%)
Ambivalent	0	11 (31.4%)	11 (31.4%)
TOTAL	11 (31.5%)	24 (68.5%)	35

Interview participants were also disproportionately men. Of the 35 participants, only 10 (28.6%) of the respondents were women. While gender was not a primary variable of interest in my investigation, it did create a concern with regard to confidentiality of the informants. As such, many of the respondents were given gender-neutral pseudonyms, in an attempt to mask the gender, and therefore identity, of the respondent.

Interview guide. Interview requests were sent to key stakeholders asking them to participate in the study. Interview requests were also sent to state-level officials, including the Governor’s office and the Michigan Department of Treasury, but the requests were either referred to local-level representatives or were unanswered.

The interviews were semi-structured with open-ended questions that centered on three main areas: the individual’s organizational affiliations and “relationship” with the city of Flint; the individual’s perception and involvement in local government and politics and, the individual’s perceptions of and involvement with the municipal takeover. A list of questions is provided in Appendix 2. The interviews were conversational and I encouraged the interviewee to tell stories about their civic and political involvement in Flint to encourage authenticity in their response (Coffey & Atkinson, 1996). The purpose of the interviews was twofold: to fill in the gaps about Flint’s takeover, particularly with regards to how, when, and by whom, decisions were made; and to identify the differences

in how community leaders talked about the takeover, focusing on symbolic and ideational differences among individuals.

All interview participants, regardless of whether or not they were elected or appointed officials, were offered confidentiality. Therefore, the interview participants' identities were masked. Each of the participants was assigned a pseudonym and their places of employment or service (if a volunteer or appointee) were removed from their transcriptions. In the analysis, individuals are identified generically as "local nonprofit executive" or "community activist." Interview participants were also given the option to review their transcripts, however most participants declined this offer.

Locations for the interviews were determined by each participant, emphasizing both comfort and convenience. Most were carried out in-person in a public setting or their place of employment, although some were conducted in the interviewee's home or by phone. The interview location is important as it both impacts the quality of the response (Elwood & Martin, 2004) as well as the quality of the recording. Of the 35 interviews, 12 were conducted at the participant's place of employment, 16 took place in a public setting such as a coffee shop or the public library, one at the participant's home, and 6 were conducted over the phone. Sturges and Hanrahan (2004) found that there was no significant difference in the quality of data collected over the phone than with interviews conducted in person.¹⁶ Trier-Bieniek (2012) had similar results, finding that participants expressed preference for interviews over the phone as they were more convenient. All of the interviews, regardless of the location, were recorded and later 35

¹⁶The racial identity of individuals who were interviewed by phone was determined by the researcher from background research on the participant.

were transcribed and analyzed. A further discussion of interview coding and analysis is provided below.

Data Analysis

The research project follows an iterative process of data collecting, coding, and analysis (Yin, 2014). As the preceding sections suggests, the data collection process was adjusted as new details about the case were discovered. This section highlights the primary tools and procedures of analysis: stakeholder analysis, process tracing, and interpretive analysis.

Descriptive Analysis and Contextualization. Contextualization, Yanow (2013) noted, involves organizing data in a way that emphasizes the “thickly contextualized renderings of social realities” (Yanow, 2013). The context of the Flint experience, as it has experienced all interactions of Michigan’s municipal takeover law for example, was important in case selection. Additionally, Flint’s economic and political history are significant contextual factors in understanding the impact of the takeover. For example, Flint was home to the first union sit-down strike, which catapulted the United Auto Workers as a major political player at the national level. The union culture, nurtured over the years, was identified by interview participants as one of the major reasons why the community responded to the takeover in the way that they did.

The descriptive analysis of the city’s economic and political history drew heavily on the data collected and reviewed during the “soaking and poking” stage of data collection. I used Census data and reports from *Imagine Flint* (City of Flint, 2013), the city’s planning initiative, to layout a demographic profile of the city. I then used

newspaper articles, urban histories (Dandaneau, 1996; Highsmith, 2015) and memoirs (Young, 2013) to discuss the city's political history.

Stakeholder Identification and Analysis. Stakeholder analysis is a “process that: i) defines aspects of a social or natural phenomenon affected by a decision or action; ii) identifies individuals, groups and organizations who are affected by or can affect parts of the phenomenon...; and iii) prioritizes these individuals and groups for involvement in the decision-making process” (Reed, et al., 2009, p. 1933). A stakeholder refers to “to persons, groups or organizations that must somehow be taken into account” by governing bodies (Bryson, 2004, p. 22), as they are affected by or could affect the implementation of the policy.” This broad definition places significant emphasis on being inclusive of an “array of people... including the nominally powerless” in an effort to “be more compatible with the typical approaches to democracy and social justice (Bryson, 2004, p. 22). As such, a stakeholder analysis can be a powerful applied tool in public administration and policy fields to address problem formulation around “wicked” problems (Bryson, Cunningham, & Lokkesmoe, 2002).

Political scientists and policy scholars recognize that understanding stakeholders is important in various ways. From an applied perspective, stakeholder support is necessary to create winning coalitions (Baumgartner & Jones, 1993), and ensure the long-term “viability... of policies, plans, and programs” (Bryson et al, 2002, p. 571; see also Eden & Ackerman, 1998), and as Bryson et al (2002) argued, “key stakeholders must be satisfied, at least minimally, or public policies, organizations, communities, or even countries will fail” (p. 571). As an analytic tool, a stakeholder analysis provides a framework identifying “relevant actors” and identifying their respective interests and

power in the current political environment (Bryson et al, 2002). Additionally, Weible (2006) argued, policy stakeholders will “maintain their participation over long periods of time in order to foster, among other reasons, the institutionalization and implementation of policy objectives” (Weible, 2006, p. 98). Therefore, I presuppose that community stakeholders not only have an interest in local politics, but that those interests will be evident in how they respond to the municipal takeover in Flint.

Here, the stakeholder analysis serves as a tool to identify “relevant actors” as to better understand their interests and influence in decision making processes (Brugha & Varvasovsky, 2000; see also Bryson, 2004). From a data collection perspective, the analysis served an instrumental role in the identification of key individuals and groups to interview. Using data collected in the soaking and poking phase of research, which included newspaper articles, government reports, and preliminary meetings, I identified key organizations and individuals for interviews. As the process was reflexive, I added other groups as the process unfolded. Stakeholder analysis techniques can vary from simple brainstorming of possible stakeholders to more complex approaches. Here, I use the stakeholder analysis as an analytic tool to identify the interests and influence of key individuals, groups, and organizations in Flint. I use the stakeholder interest diagram (Bryson, et al., 2002; see also Eden & Ackerman, 1998) to examine the relationship among stakeholders and categorize clusters based on their presumed power and interest. The power and interest grid arrays stakeholders based on their *presumed* interests in addressing the city’s financial emergency and their *presumed* level of power to help produce their outcomes of interest. This technique aligns well with policy-focused research discussed above, as it recognizes that key players have a vested interest in the

city's decisions, and more importantly, that the power to influence decision making varies among stakeholders. Judgments regarding placement of the stakeholders on the matrix were made by me, and thus are subjective. However, the decisions about where to place stakeholders on the matrix were informed by my background research.

This stakeholder power and interest grid allowed for the identification of clusters of stakeholders, namely the residents and small community-based organizations/associations; business and nonprofit elite, and highly engaged community representatives (board members). Importantly, but not surprisingly, these clusters tended to align with whether or not community leaders who were interviewed supported, opposed, or were unsure about the municipal takeover.

Process Tracing. I also examined the changes in local governance, as well as changes in modes of participation over time, drawing on the tools of process tracing: thick description and *sequencing* (Mahoney, 2010). I focused on the time frame between 2001, the year before the first takeover, and 2016, the year after the most recent takeover was lifted.

Process-tracing is a method that “attempts to trace the links between possible causes and observed outcomes” (George & Bennett, 2005, p. 6). Here, the possible cause is the implementation of the municipal takeover policy and the likely outcome is political change. Process tracing is best used to “trace causal mechanisms” (Beach & Pederson, 2013, p. 1), which is appropriate in this study, given my interest in the intervening understanding of how the policy, through its various benefits and burdens, impacts political participation at the local level.

Process tracing also helps identify the mechanisms that are situated between “some structural cause and its purported effect” (Gerring, 2007, p. 45) by “assembling bits and pieces of information into a pattern” (George & McKeown, 1985, p. 35-36). In other words, I am using thick description and sequencing to build a theoretical explanation for how municipal takeovers reshape local democracy.

Using both coded interview transcripts and documentary evidence, I first developed a timeline from 2001- 2016 (provided in the appendix) of events related to the city’s fiscal stability and municipal takeover. I then used the interview transcripts to identify key triggering events that the 35 community leaders identified as “important.”

These included:

- Elimination of Ombudsman’s Office, Civil Service Board, and Citizen’s advisory councils
- Selection and appointment of the Blue Ribbon Committee of Governance
- Creation and appointment of the Receivership Transition Advisory Board
- Selling of city assets, including the Detroit water pipeline, Genesee Towers, and Flint Farmers’ Market
- Increased taxes and service fees, including street light assessment, water and sewer rates, and 6-mill tax levy
- Modifications of collective bargaining agreements with local unions
- Employee layoffs
- Closure of community assets, including closure of community centers

I overlaid the sequencing evidence (Beach & Pederson, 2013) with data from interview participants and news reports about community responses to gauge changes in power and participation. I examined likely shifts in stakeholder power as well as modalities of participation with voter data, documentary evidence of engagement (e.g. news articles and reports of political protest), and interview transcripts to evaluate changes in the patterns of participation, including group formation (grassroots organizing). By placing the events, elections, and protests that developed in response to

the municipal takeover onto the timeline, I was able to identify causal mechanisms that explain how the changes, e.g. shifts in power and participation, were the result of the municipal takeover.

Interview Coding & Analysis. Interview transcripts served as the primary data source for this research project. Thirty five of the interviews were recorded, transcribed, and coded. The data was then analyzed to identify key variables of interest, including how local governing structures and arrangements changed, instrumental effects such as who benefited and who was burdened by the policy, and changing patterns of participation including the development of grassroots organizations. The data were then triangulated with other sources of data from newspaper articles, government reports, etc., to verify the accuracy of the information.

Another important use of the interviews, however, was to examine the variation in interpretive effects. To uncover these effects, I drew on interpretive techniques often used in discourse analysis to identify themes in the interview transcripts. Coding and analysis was done using a phenomenological approach. According to Creswell (2013), “a phenomenological study describes the meaning for several individuals of their lived experiences of a concept or a phenomenon” (p. 76). The purpose of the phenomenological approach is to search for meaning in the data. The method is well suited to exploring Schneider & Ingram’s (1997) social construction theory, which suggests that we create, in part, our knowledge and understanding of the world through collective agreement. Schneider & Ingram (1997) argue that “different realities based on different beliefs, expectations, and interpretations may exist among different groups” (p. 73). How different groups frame an issue is indicative of their different realities. In other

words, the differences in how community leaders framed the issue problems and the municipal takeover in Flint provide insights into how they understand, interpret, and thus are affected by, the takeover.

The data analysis process was conducted in steps. First, I read through the transcribed interview texts to identify “significant statements” (Creswell, 2013, p. 82). This also served as a means of further familiarizing myself with the data. At this time, I took margin notes (codes) regarding initial themes in the text. I considered these initial codes antecedents to broader analytical themes, which informed the second read-through. Many of the initial codes were derived from Stone’s (2012) policy paradox framework. For example, I identified references to “efficiency” and “finances” as well as references to “democracy,” “equity,” or “equality.”

During the second read through I identified and formalized the themes and codes and identified the relationships among various themes. This time I focused on two elements of the respondents’ interview transcripts: 1. Their interpretation or perception of the policies target population/outcome; and 2. Their perception of who “wins” and who “loses” under municipal takeover. I was able to identify a correlation between those who supported municipal takeovers and their emphasis on economic and fiscal outcomes, for example.

Both the first and second read-throughs were aimed at looking for specific ideas, symbols, or analogies that characterized the respondents’ perception of municipal takeover. The third and final read-through focused on identifying the symbolic effects that served to motivate and mobilize different forms of engagement. In the final read-through, for example, I identified how the issues of race, voting rights, civil rights, and

union power, informed the oppositions perception of the takeover, and thus their response.

Summary

The research design and methodology above guided my policy-centered case study of Flint, Michigan and permitted me to identify the ways in which the policy changed Flint politics. I relied on documentary evidence collected from local and national newspapers, online blogs, government reports, legal analyses, judicial opinions, and board/ council meeting minutes; observational evidence collected and documented during my field work; and semi-structured interviews with community leaders. Various tools of analysis were used, including stakeholder analysis, process tracing, and interpretive analysis of the interviews. The following chapters provide the results and findings from these analyses.

Chapter 4. Contextualizing Flint

This chapter centers on Flint's demographic, economic, and political history as a foundation for understanding the city's experience with municipal takeover. Drawing intensely on my interviews with Flint residents coupled with documentary research, the chapter identifies several of the city's stakeholders. Understanding these socio-economic factors is essential for identifying how and why Flint's experience with municipal takeover reshaped the city's political landscape. So that Flint's experience can be comprehended more clearly, the chapter concludes with a discussion of the history of Michigan's municipal takeover laws.

Flint, Michigan is located 65 miles northwest of Detroit. Anyone driving into Flint from any direction passes through corn fields and through the small towns that dot Flint's perimeter. But, once in the city, the vestiges of a city once hugely prosperous are clearly evident: beautiful old buildings and large brick homes.

Flint was the birthplace of General Motors (GM). Known as the "vehicle city," Flint's residents not only produced Buicks and AC spark plugs, but participated in the first sit-down strike in 1936-37, which established the fledgling United Auto Workers (UAW) as a major labor union. Due in large part to both industry and unions, the city of Flint once boasted one of the highest per capita incomes in the country and, with a population peak of nearly 200,000 in the 1960s, it was once the second largest city in the state of Michigan (Detroit was the most populous).

History and context are important features in understanding how policies shape politics (Rast, 2012; Falleti & Lynch, 2009). While the primary focus of my analysis is on recent history, because of the nature of local fiscal crises and community response,

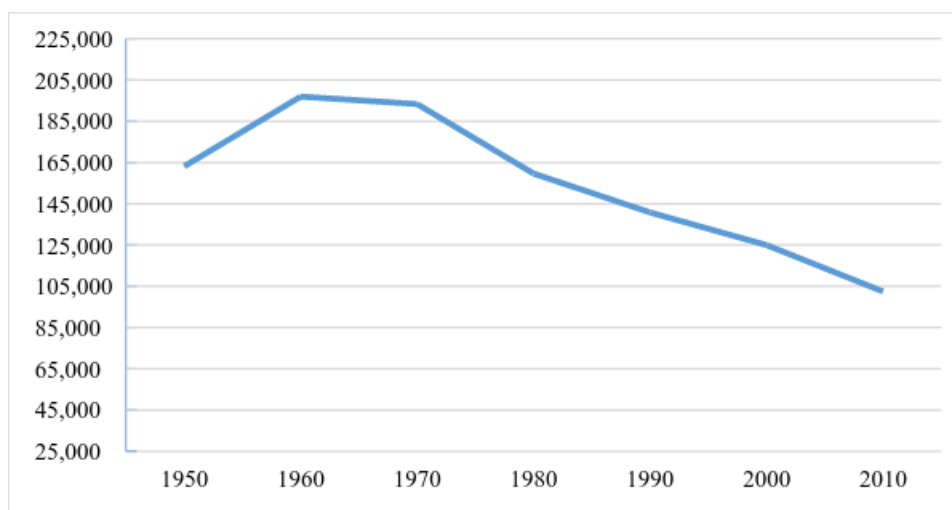
Flint's historical context matters. One political activist, in a speech about the relationship between Flint's recent water crisis and Emergency Managers, noted:

This is the Flint with a rich history. The sit down strike put the unions on the map. The first city to elect an African American, a Black for mayor. The first city to pass open housing. We are history makers and we set the pace on a lot of things. I am proud of us. We must remember who we are. (McClinton, 2014b).

Changing Demographics

Flint's demographic characteristics have changed dramatically since the height of GM's presence in the city. Flint has experienced more than 50 years of population decline, with a peak population of 196,940 in 1960 down to 102,434 by 2010 (see Figure 4.1).

Figure 4.1. Total Population, 1950-2010

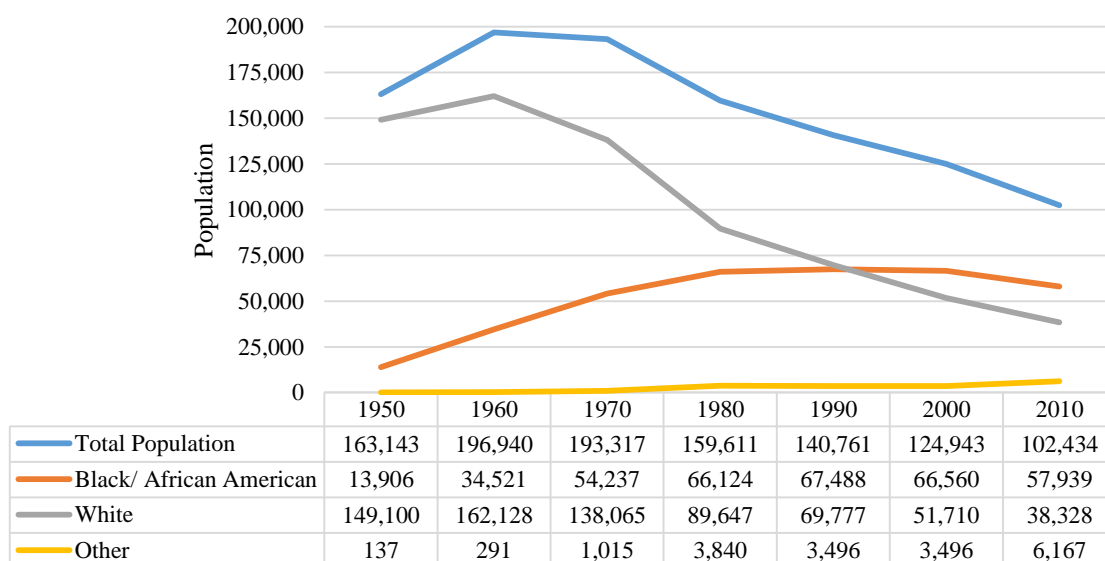


In 1960, the city of Flint made up over 50 percent of Genesee County population, but only 24.1 percent by 2010 (see Scorsone & Bateson, 2011). In 2014, the U.S. Census Bureau estimated the city's population had fallen below 100,000 for the first time since the 1920s (see also Fonger, 2014b).

Between 1940s and 1960s, Flint, like many other northern industrial cities, saw large increases in the number of African Americans, mostly migrating from the south for

jobs in the automotive industry. In that 20 year period, the number of African Americans living in Flint grew from 6,599 to 34,521 (Highsmith, 2015). In 2000, Flint became a majority Black city, with 53.3 percent of the population identifying as Black. The city's current racial makeup is: 56.6 percent African American/Black, 37.4 percent White, and 6 percent Other (U.S. Census, 2010; see Figure 4.2).

Figure 4.2 Population by Race, 1950-2010



While the overall population decreased, the percentage of residents who identify as African American/Black and number of households living below the poverty line increased. Flint has long been a racially and economically segregated city, in which African Americans have disproportionately borne the burdens of the city's economic decline (See Highsmith, 2015).

Economic Ups & Downs

Before the automotive industry, Flint was a small town known for its fur trade, lumber, and production of horseless carriages. But it was the rise of the automobile

industry that put Flint on the map and established the city as a major metropolitan center. The Buick motor company was founded in 1903 in Flint, followed shortly after by GM in 1908, itself an off-shoot of the Durant-Dort Carriage Company.

The growth of GM brought with it concerns over working conditions and pay. The first sit-down strike, which lasted 44 days, gave rise to the UAW (Reuther Library, 2010). The UAW played a vital role in Flint's development; improved working conditions and wages made Flint one of the wealthiest cities in the country, based on per capita earnings. Flint was referred to as "Fabulous Flint" and the "Happiest Town in Michigan" (Young, 2013, p. 49).

Flint flourished for most the 1930s through the 1970s. At the end of World War II, Flint's per capita income was 30% higher than the national average (Dandaneau, 1996). In 1955, the city held a centennial parade, in which both the GM spokesmodel Dinah Shore and Vice President Richard Nixon took part. Flint was an "industrial marvel," with "more GM workers than any other city in the world" (as cited in Young, 2013, p. 48). However, like many other industrialized cities, Flint's prosperity began to decline as the auto industry modernized, outsourced jobs, and shut down plants. In 1978 more than 80,000 Flint-area residents were employed by GM. By 2005, the number had dropped to 8,000; and by 2008, approximately 7,100 hourly and salaried employees remained (Fonger, 2013).

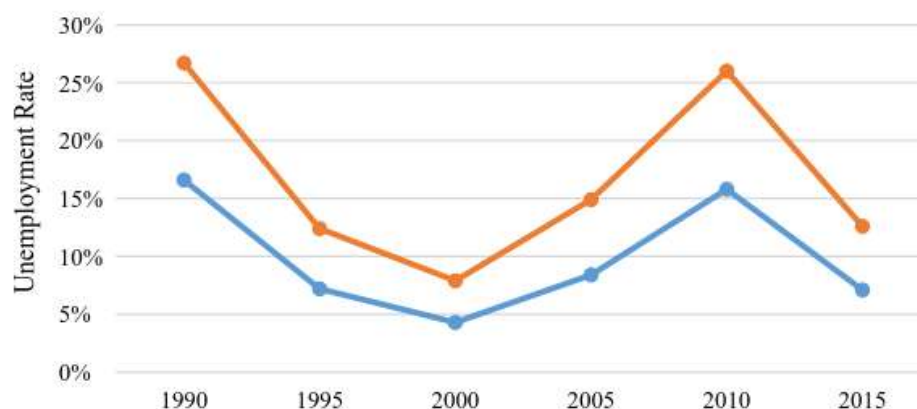
The city first fell on hard times in the late 1980s, as documented by Michael Moore's documentary, *Roger & Me*. In the mid-1980s, GM laid off more than 30,000 employees, at a time when the company was making record profits. As GM jobs decreased, the city's unemployment rate, poverty rate, and home vacancy rate increased.

In 1982, Daniel Zwerdling, investigative reporter from *NPR*, described the changes in Flint:

To see what 25 percent unemployment does to a community, take a stroll down Saginaw Street to the middle of town. It used to be a lovely place, lined with old brick buildings, with the kind of turn-of-the-century masonry you don't see much of any more. Saginaw, the main street, is paved with bricks, and the sidewalks are shaded by awnings. But there is almost nobody and nothing here. Virtually every second store is boarded up with plywood. Some businesses have fled to suburban malls, the rest have simply folded. Flint is a 1982 ghost town. (as cited in Dandaneau, 1996, p. 161).

The 1990s brought with it a short-term economic recovery. However, by 2010, Flint's unemployment rate was at 26 percent, almost as high as it had been in January, 1990 (see Figure 4.3). In addition to ongoing loss of GM jobs, the second largest employer, the city, also shed jobs.

Figure 4.3: Unemployment Rate, 1990-2015

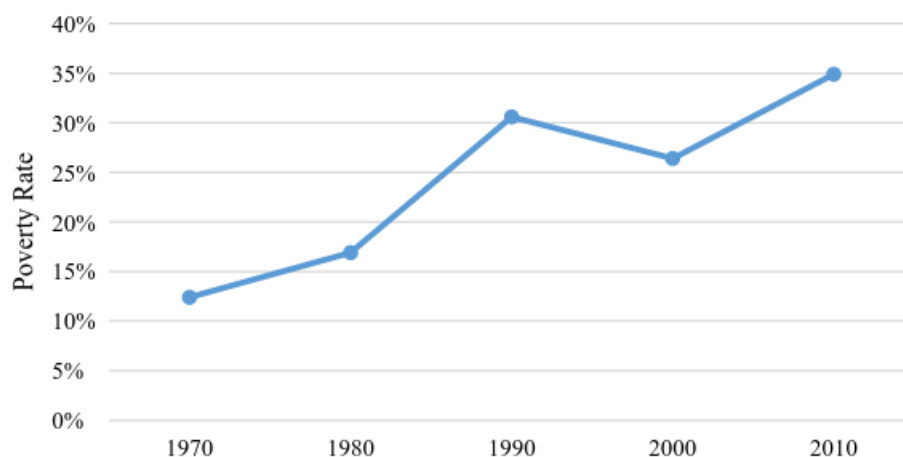


Source: Flint MSA data retrieved from BLS Data; City of Flint data retrieved from Michigan Department of Technology, Management & Budget. Reported data are retrieved from January of each reporting year.

The number of employees working in the city also decreased, from 90,412 in 2001 to 49,500 in 2010 (City of Flint, 2010; Doidge, et al., 2015). With increased unemployment rates, Flint's poverty rate began to grow. While there was a slight drop between 1990 and

2000, the trend has been increasing. Flint's poverty rate was reported at 34.9 percent in 2010 (See Figure 4.4).

Figure 4.4. Poverty Rate, 1970- 2010



Local Government and the Political System

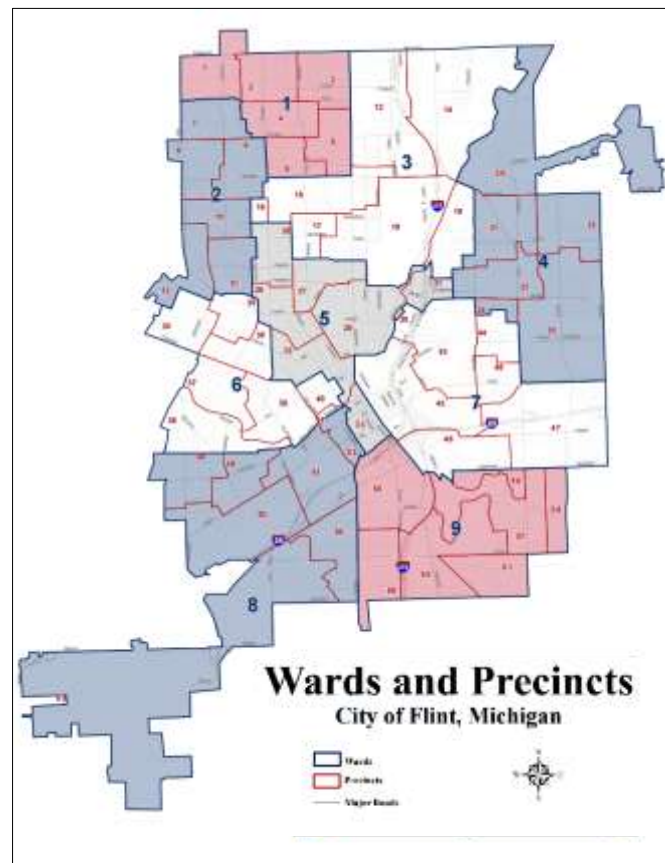
The city of Flint was incorporated in 1855. The city's present charter, which is currently under review,¹⁷ was adopted in 1974. Under the current charter, the city has a strong mayor-council form of government. The City Council is made up of nine council members, each serving staggered four year terms with no limitations on the number of terms they may serve (see map, Figure 4.5). The mayor is elected in a non-partisan election every four years. As the chief executive of the city, the mayor has authority to appoint a city administrator as well as department heads.

The city of Flint is a general purpose municipality that provides a range of services, including police and fire, water and sewer, streets and sanitation, parks and recreation, and community and economic development. The city is also the fiduciary for

¹⁷ Information about Flint's Charter Review Commission can be found at the City of Flint website, <https://www.cityofflint.com/flint-charter-review-commission/>

five other quasi-autonomous institutions: the Board of Hospital Managers, which manages and operates Hurley Medical Center; Flint Downtown Development Authority; Flint Economic Development Corporation; Flint Area Enterprise Community, and the Oak Business Center, a local business incubator (City of Flint, 2010; See also Scorsone & Bateson, 2011).

Figure 4.5: City of Flint Wards and Precincts Map, 2010



Source: Genesee County, Wards and Precincts

Political Stakeholders. Comprehending Flint’s municipal takeover experience, also means understanding local context and the key players in the local political system. As my interest in this analysis focuses on the impact of municipal takeover on Flint politics, it is essential to understand the key figures and events that have shaped Flint politics and identify their current interests.

Flint politics can be defined by the competing interests of different groups, or “factions” as several interviewees noted: Black versus White, North versus South, Downtown versus Neighborhood, Rich versus Poor, or Labor versus Management. Interview participants were in agreement that local politics can be divisive, with some concluding that Flint politics was no different than in other cities. One interviewee, Bruce, described Flint politics as a “hornet’s nest that’s been stirred up times a million... It’s a hornet’s nest of competing interests and egos.” Taken together, the interviews convinced me that to understand how municipal takeover influenced local politics, it was essential to first investigate the power and interests of community stakeholders.

Stakeholder Definitions of Flint Politics. During my interviews, I asked respondents to describe Flint politics. Important insights came out of their responses. These community leaders identified both the tensions at play in the city, as well as major players in local politics.

Flint is a racially segregated city; the city’s history of racial tension, as well as race politics came up in nearly all of the interviews. When asked to describe Flint politics, Bruce, for example responded that Flint is “still highly segregated,” further noting,

You’ve got essentially white precincts where, probably, ninety percent of voters are white. Then you’ve got precincts that are almost all African American... The African American community has been marginalized for so long and not allowed to participate in portions of community life. They’ve been contained.

At the same time, Bruce also pointed out that there are political leaders, including Black leaders such as Woodrow Stanley and Floyd McCree, who are viewed as “titans of local politics.” The Black community in Flint, especially those on the north-end—the area of

the city north of the Flint River, are the most marginalized. Another interviewee, Zach, noted,

If there's a division that is readily apparent within the city limits, it is between the north end and the remainder of the city. The north end is overwhelmingly African American... The north end is destitute compared to a lot of the areas of the county, certainly, and of the city as well. If you're going to an area of Flint that's by the cultural center, for example, you're looking at almost a different city altogether...the north end has its own interests.

Those “interests” include responding to crime, blight, and improving education and job opportunities for residents. Many north-end residents, community leaders noted in their interviews, are skeptical of the city’s downtown economic development agenda (see also Highsmith, 2015).

While some identified racial tensions as a key characteristic of Flint politics, others focused on economic inequality. Kim provided an example:

The beginning of the end for me was the Rutherford administration. That really when GM started pulling out... Factories were closing, workers started losing their jobs, people started leaving en masse, and the schools started losing population... The city and the schools couldn't deal with the shrinking city... Dealing with a shrinking city and having to maneuver around that has been very difficult for Flint. So Flint politics: state of upheaval... and contentious... not so much racially, but economically, because there is a great economic divide in the city of Flint. There's still huge amounts of money and pockets of money still left over from General Motors days... and like other cities there's a lot of super poor. Thousands of people in poverty. You get a great divide.

Kim's comments point to how Flint's relationship and history with GM was significant in to how Flint politics evolved. Drawing attention to Flint as a union town, Bill offered the view that Flint politics mimics, in many ways, the union-management relationship. Flint politics was born, he noted, of both “dependence and adversary [sic]” relationship with GM. Employees relied on the company, but with the help of the unions,

fought for what they needed. Bill suggested that the relationship rests on the idea that people can fall in line when things are good, but will fight when things go bad.

Unions were not only culturally influences; they had significant power in local politics. “If you look at the background of a lot of people who served as elected officials,” Bill noted, the influence of the unions is significant. He stated, “At one point the union endorsement was pretty much all you needed to get into office.” Others echoed Bill’s comments, further highlighting the connection often made between Flint being a union-town and “a one party city,” in Zach’s words. Another interviewee, Adrian, concurred: “Flint, it seems to be a pretty democrat-leaning, tends to be pretty blue collar... the unions had a lot of political sway, and to an extent, that's still the case I think but maybe not to the degree it used to be.” Peter, also agreed, adding that Flint politics is run by the “Democratic Party and the UAW, they run politics [here] and they run it pretty much in the state.”

The unions were not the only major player identified by community leaders, however. Two other important entities were repeatedly brought up in interviews: The Charles Stewart Mott Foundation and the Flint and Genesee Chamber of Commerce. Most of the people I interviewed viewed these two entities and their influence as making Flint politics “closed” or “inaccessible.” Shaun stated that “Flint politics is a hot mess. ... On paper, there’s an opportunity for everyone to be represented... the actuality of Flint politics, we have low voting participation. There aren’t a lot of people that come to meetings.”

Francis expanded on this sentiment, noting that Flint’s political leaders are just “figureheads, and we've had figureheads for a long time, powerless figureheads” Pointing

to 1974 when the city was drafting its most recent city charter, Francis said that “they had already decided that this was going to be a university town,” “they” being the powers-that-be: the Mott Foundation, the Chamber of Commerce, and the city’s economic leaders, who as another respondent noted, have a “development agenda” (Zach). The emphasis on downtown development and the creation of the university corridor, were viewed by many interviewees as evidence of the influence of the Mott Foundation and the Chamber on local political decision making (see also Highsmith, 2015). As Adrian noted, the perception that there is outside influence, on behalf of the Mott Foundation and the Chamber, for example, in local government, “was heightened during the Emergency Manager period.”

While interviewees observed the divisiveness and tensions in Flint politics, they were quick to point out the positive aspects of Flint politics. Liesel praised what she called the ability to work together on issues: “No matter what their arguments are otherwise, if there’s a need, this community steps up... It’s one of the things that I love about this community. If we need to step up, we’ll step together.”

Adrian commented that Flint values “under-dog-ness.” Adrian’s and Liesel’s assessments, among others, makes evident the belief that Flint is a community that can come together when necessary, whether it is derived from its working class roots, its union mentality or its history of racial and economic inequality. This quality of rooting for the under-dog, I believe, is evident in how community members respond to municipal takeover.

Respondents were well aware of the ways in which state intervention laws have influenced local politics. Carl noted that since the state's interventions, "It's been constant chaos." He continued,

As the community has tried to find a different path forward, it's run up against the various state laws. We had a recall of Mayor Stanley, we had a state takeover under Public Act 72, had Williamson elected and then reinstated as mayor. [Williamson] immediately started blowing up the budget, recession. [Williamson] was facing a recall before he quit. [Williamson] was ten days out from losing a recall election. Then [Walling] got elected in a special election, barely missed a recall...then we have the next state takeover. Three different laws, five [sic., four] different appointed managers and then the council...I think the community has genuinely had a hard time tracking all of those different elements.

Stakeholders: Power & Interest. The research design underscored the need to identify community stakeholders and to understand their interests and influence.

Identifying stakeholders was conducted in steps, allowing the process to be reflexive and iterative. I first reviewed relevant news articles about Flint and the municipal takeover to detect key individuals, groups, and organizations who influenced or were influenced by the takeover in Flint. I then coupled the documentary evidence with information provided by the interview participants. What resulted was the identification of four *sets* of stakeholders.

One set of stakeholders in Flint was the state-mandated Emergency Manager(s) and other state-appointed administrators and board, such as:

- Emergency (financial) managers and their advisors
- Receivership Transition Advisory Board (RTAB)
- City Administrator, state-appointed

The second set of stakeholders included targeted groups that were the subject of the takeover policy's proposed reforms. Among them were:

- Local elected officials, including mayors and city councilors
- City employees and appointees, and retirees

- Labor Unions, including UAW & AFSCME, as well as Police and Fire unions
- City residents

A third set of stakeholders was comprised of local residents and groups, who were opposed to the state's takeover. These community organizers and grassroots activists were often quoted in the news. Examples include:

- Democracy Defense League,
- Flint Area Congregations Together,
- Concerned Pastors for Social Action

The last set of stakeholders is harder to categorize, but important. Informed by Flint's political history, interview participants, as well as the literature in urban politics, the following groups and organizations were also identified as important stakeholders:

- Area Foundations, including C. S. Mott Foundations, Ruth W. Mott and Community Foundation of Greater Flint
- Flint and Genesee Chamber of Commerce
- Genesee County Land bank
- Flint-based anchor institutions, including Hurley Hospital, UM-Flint, Mott Community College
- Development agencies, including public and private entities, particularly Uptown Redevelopment and Downtown Development Authority
- Faith community, particularly African American Churches
- Local business owners and executives
- Local arts and cultural institutions
- Nonprofit executives and program managers, including health and human services and advocacy organizations
- Local government planning and advisory boards
- County government
- State government

In addition to identifying "relevant" actors through a review of news articles and urban histories, I developed a power versus interest grid by placing relevant organizations and groups onto the two-by-two matrix depicted below (Figure 6.1). Placement of different stakeholders, ranging from Flint residents to the Emergency Manager, were evaluated and placed on the matrix based on their interests and power. The vertical axis is

labeled *interests*, which is meant to represent the stakeholders presumed interest in improving Flint's economic and fiscal condition, as this was the premise for the takeover. On the horizontal axis is the label *power*, indicating the "presumed powers to help produce those outcomes" of interest (Bryson et al, 2002, p 571).

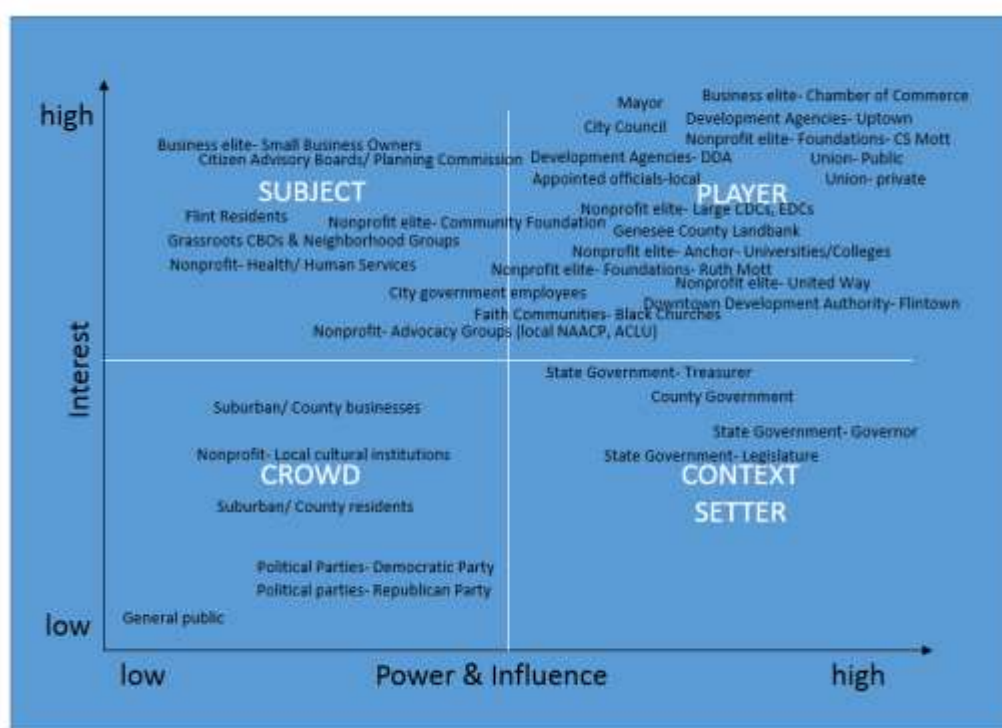
The placement of the groups and organizations onto the matrix was informed by my background research, as presented above. Some of the organizations, with whom I had less familiarity, were placed based on assumption. For example, I did not come across much mention of the Community Foundation of Greater Flint in my background research on the takeover, but knew, from talking with community leaders that it was an important, if not powerful, fixture in Flint's institutional fabric. On the other hand, the Mott Foundation has a long history of being politically involved and influential in Flint (see Dandaneau, 1996; Highsmith, 2015; Young, 2013). As the case study research design allows for reflexivity, I was able to revise placement of each stakeholder as I uncovered more information throughout the research process.

The grid serves as a visual representation of my interpretation of Flint politics, as informed by background research and interviews with community leaders. And while there are limitations to this sort of depiction, because of my own bias as well as the biases of those that I interviewed, it served as a useful way to represent those biases and make clear how I perceive the power and interest of stakeholders within Flint's political system.

Overall, Flint is typical of northern industrial cities, booming and busting along with its major employer. It has thrived and prospered, creating unions and a culture of worker's rights, but also suffered at the hands of lay-offs, outsourcing, and white flight.

Over time, community stakeholders, be they individuals, groups or organizations, have carved out space in the local political system. As the preceding section showed, these community stakeholders, including the foundations and local business elite, Black political leaders and Black Pastors, as well as union members, have varying interests. These interests are manifest in how these organizations and their members respond to Flint's municipal takeover.

Figure 4.6: Stakeholder Power versus Interests Grid



State Policy Context: Michigan's Municipal Takeover History

Michigan's legislation is among the most aggressive municipal takeovers laws in the country (Sapotinche, et al., 2015, Scorsone, 2014; Pew Charitable Trust, 2013). Paradoxically, Michigan is also a so-called strong home rule state (Citizen's Research Council of Michigan, 1994) and in the late nineteenth century, one of the most avid supporters of municipal autonomy and home rule in the U.S. was Michigan Supreme

Court Judge Thomas Cooley. In an 1871 opinion regarding the constitutionality of a state imposed local official for the City of Detroit, Cooley wrote, “Local government is a matter of absolute right; and the state cannot take it away” (*People v. Hurlbut*, 1871).¹⁸ This philosophy became known as the Cooley Doctrine, which stood in opposition to Dillon’s Rule. Despite this historical legacy, Michigan has become “a state of [constitutional] home rule, local autonomy, and *Emergency Managers*” (Gross, 2011, emphasis added); the latter a result of decades of home rule erosion perpetuated not just by the legislature and the courts, but by cities and voters themselves.

Michigan’s home rule laws are both constitutional and statutory. The primary provisions in the constitution regarding municipal home rule are Article VII, § 2 and 22, which both emphasize broad local control. Section 2 references county charters, stating “No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.” Section 22 refers to cities and villages, noting that “city and village [sic] shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section”.¹⁹ The second provision, Section 22, is the foundation of home rule in Michigan (Fino, 1996) and is the most pertinent to the discussion on municipal takeover. These constitutional provisions both

¹⁸ In *People v. Hurlbut* (1871), the court ruled that such intervention was unconstitutional; Cooley wrote, “It would be the boldest mockery to speak of a city possessing municipal liberty where the state not only shaped its government, but at discretion sent its own agents to administer it.”

¹⁹ This was unchanged from the version adopted in 1908. In addition to keeping this provision, the 1963 constitution added a preamble that addressed home rule: “The provisions of this constitution and laws concerning counties, townships, cities, and villages shall be liberally construed in their favor.”

provide a framework for municipalities to determine their own city charters and choose how they wish to be governed, e.g. strong mayor or council-manager, and restricts the legislature from passing local or special laws that affect local government authority without prior approval of the voters in that particular district. Michigan thus is restricted from adopting a special legislation or case-by-case model to address municipal fiscal crises.

Michigan's constitutional home rule protection, however is not self-executing. Instead the Home Rule City Act (1909) serves as the primary executing statute. The statute allows local governments to incorporate, adopt their own charter, and it also enumerates on allowable charter provisions. The Home Rule City Act also describes limitations on municipal powers. Since its first adoption in 1909, the Home Rule Cities Act has been amended numerous times to further restrict municipal autonomy. The Citizen's Research Council (CRC) of Michigan (1994) noted that "the current implementing legislation [The Home Rule Act] for municipal home rule is... subject to legislative interference and the legislature often shows little self-restraint in interfering in local affairs" (Citizen's Research Council of Michigan, 1994).²⁰ As the CRC (1994) implies, the state legislature often over oversteps its bounds in interfering with home role protections. The Home Rule City Act, for example, was amended in 1988 by the passage of PA 101, allowing that an "Emergency Financial Manager may exercise the authority and responsibility provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988" (Home Rule City Act, PA 279 of 1909).

²⁰ The report ends with a recommendation that "a constitutional convention might consider self-executing home rule provisions that would clearly establish home rule supremacy on matters of local concern -- a constitutionally protected sphere of immunity from state intervention in local affairs."

Writing on behalf of the CRC, the Michigan Municipal League, and the Michigan Association of Municipal Attorneys, Morris (1971) argued that Michigan's home rule principle was being eroded not just by revisions to PA 279, but by other legislative actions. He noted, that "every year... bills are introduced which would diminish home rule discretion" either by "prohibiting what a city might otherwise opt to permit, or by permitting what a city might otherwise wish to prohibit" (p. 5). He cited several examples, among them "local regulation of firearms...location of day care facilities ...and the regulation of mobile home parks and mobile homes" (Morris, 1971, p. 5). The result is that the Michigan legislature, regardless of being in a strong home rule state, nevertheless plays a strong role in determining municipal autonomy, by limiting or restricting both how municipalities govern themselves and how they raise revenue.

But legislators are not the only ones interfering in municipal autonomy. Both, voters and cities undermine the strength of home rule in Michigan. According to Gross (2011), it was not solely the legislature that has advocated for state intervention, often "the public electorate, and, in some cases, even cities themselves, began to slowly erode the level of local autonomy in Michigan." Two such examples are the Headlee Amendment of 1978 and Proposal A in 1994. The Headlee Amendment was a voter approved constitutional amendment that aimed to reduce the tax burden on residents by reformulating state-local relations.²¹ Headlee placed a limit on local government taxing power, but required at least 41.6 percent of all state spending to be reallocated to local

²¹ Article IX, Section 26 establishes an overall limitation on total state spending each fiscal year. The "Headlee" Amendment also creates two significant limitations on the fiscal relationship between state and local units of government; Article IX, Section 29 prohibits the state from reducing its share of existing state-mandated programs and requires the state to reimburse local governmental units for any new state-mandated programs; Article IX, Section 30 prohibits the state from reducing the proportion of total state spending paid to all units of local government as a group below the proportion in effect in fiscal year 1979.

governments. Gross (2011) noted that the Headlee Amendment “tied local and state revenues together and in the end may have degraded local autonomy to such an extent that state control over local government became imperative.” In 1993, the Michigan legislature passed a bill abolishing all use of local property taxes for schools, with no alternative revenue source proposed. Ultimately this forced the voters to approve a major tax overhaul, which they did the following year in Proposal A. That proposal bound state and local finances by prohibiting local governments from using property taxes to fund schools and required that they hand over control of K-12 education funding to the state.

The electorate, however, has shown interest in strengthening home rule protections, or at least a discomfort with state intervention in local affairs, as evidenced by the 2012 referendum on Michigan’s municipal takeover law, PA 4 of 2011, which repealed the law by popular vote.

Michigan’s Municipal Takeover Law. In Michigan, the foundation of the municipal takeover legislation was adopted in 1980 with the Emergency Municipal Loan Act, PA 243. The act addressed the financial issues that plagued Wayne County, which includes Detroit. In 1979, Wayne County had become the first county in the US to go into default since the Great Depression (Gross, 2011). Unable to meet payroll, the county was struggling to deliver necessary services. In response, the state adopted PA 243 of 1980, which created a state level board with the ability to allocate emergency funds in the form of loans to distressed locales. The bill also stipulated that in accepting the loan money, the local government was required to adopt a long-range plan to balance its budget and “employ a full-time professional administrator or contract with a person with expertise in municipal finance and administration to direct or participate directly in the management

of the municipality's operations until otherwise ordered by the board” (Emergency Municipal Loan Act, PA 243 of 1980). As Gross (2011) noted, Michigan also took the step of giving the state loan board the power not only to investigate local financial records and obtain sworn testimony from local officials, “but the board would also be able to issue orders to the municipality receiving loan money and enforce compliance with those orders through state law.” These provisions, Gross (2011) argued “set a precedent for giving the state broad powers over local governments in financial distress.”

Throughout the 1980s, many local governments in Michigan, as elsewhere, continued to face fiscal instability. By 1986 the situation in Ecorse, MI was so bad that the Wayne County Circuit Court placed the city in receivership. The court-appointed receiver, Louis Schimmel, had an unprecedented level of control over Ecorse’s government functions. During his tenure, Schimmel eradicated the city’s debt by eliminating nonessential services, contracting out services such as public works and animal control, and selling off city assets (Citizen’s Research Council, 2000). According to Gross (2011), “the power of the receiver position was seen as vitally needed to bring the city’s bureaucracy and financial management under control.”

Seeking to bring the power of the receiver back under state control, the legislature enacted the Local Government Fiscal Responsibility Act, PA 101 in 1988. Written by then-future governor John Engler, the legislation provided the state with a mechanism to determine fiscal distress and a process for state intervention, including an Emergency Financial Manager, modeled after Ecorse. According to Gross (2011), the appointment of an Emergency Financial Manager, was at that time “more of a voluntary action that could

be avoided if the city abided by consent agreement measures,” which were aimed at addressing local fiscal conditions.

PA 101 was replaced in 1990 with the adoption of the Local Government Fiscal Responsibility Act, PA 72. PA 72 was passed by Democratic Governor, James Blanchard, but was not utilized for a decade. The first city to be placed under an Emergency Financial Manager was Hamtramck in 2000, under Governor John Engler. Two other cities shortly followed: Highland Park in 2001 and Flint in 2002. As the Great Recession began to impact the state, more cities were placed under state control and appointed an Emergency Financial Manager. From 2008-2010, under the Jennifer Granholm administration, the list included Three Oaks, Ecorse, Pontiac, and Benton Harbor.

PA 72 of 1990. PA 72 identifies several mechanisms through which the Treasury is made aware of a local government’s financial emergency. As Scorsone (2010) pointed out, these mechanisms include: notification by a creditor, the mayor, city council, or chief administrative officer of the local government unit; a petition from registered voters, pensioners, employees, or bondholders; or from a resolution put forward in the state Senate or House. The latter was the mechanism used in Flint’s 2002 takeover, when State Senator Bob Emerson submitted a resolution for the Treasury to conduct a review of Flint’s financial condition.

Under PA 72, if the Michigan Department of Treasury is notified, the department then conducts a preliminary review to evaluate whether there is a financial emergency. There are nine conditions, of which the local government must meet only one, that will lead to an appointment of a formal financial review team by the Governor. The

conditions include: default on payment of principal or interest of a bonded obligation; failure to transfer employee taxes, taxes collected for another government, or pension contribution to appropriate entity; failure to pay wages or compensation for 30 days or more; indication that the city's accounts payable exceeds 10% of total expenditures; failure to eliminate any fund deficit within two years; or, ten percent or greater operating general fund deficit (Scorsone, 2010).

The financial review team has 60 days to conduct their investigation and report their findings to the Governor. PA 72 stipulates that the review team can categorize their findings as:

1. A serious financial problem does not exist in the local government;
2. A serious financial problem exists in the local government, but a consent agreement containing a plan to resolve the problem has been adopted pursuant to 14(1)(c);
3. A local government financial emergency exists because no satisfactory plan exists to resolve a serious financial problem (PA 72 of 1990, p. 4).

If the governor, upon examination of the review team's findings, determines that a financial emergency exists, the governor can then assign the "responsibility for managing the local government financial emergency to the local emergency financial assistance loan board... The local emergency financial assistance loan board shall appoint an Emergency Financial Manager" (PA 72 of 1990, p. 4).

The law also identified the qualifications and conditions of service for an Emergency Financial Manager. Besides being competent, the EFM could not have been elected, appointed, or worked for the community they were to be managing in the last five years. Where the Emergency Financial Manager resided was not a criteria: the manager served "at the pleasure of the Local Emergency Financial Assistance loan board and could expect "compensation and reimbursement for actual and necessary expenses

from the local government.” Finally, the manager had authority to “appoint additional staff and secure professional assistance” when necessary (PA 72 of 1990, p 4-5).

Under the law, the Emergency Financial Manager can engage in a range of activities to address the local government’s financial emergency. Scorsone (2010) identified 15 activities that “among other things, the EFM may do,” among them “implement a written financial plan,” amend, revise and approve or disapprove the budget of the local unity, “exercise all appropriate authority regarding union contract negotiations.” And “within charter limits, sell assets to meet current or past obligations” (p. 2-3, emphasis added; see also PA 72 of 1990, p. 5-6). The full list of activities from PA 72 is listed in Appendix 3.

Of particular importance to this research project is the section on “orders,” because that section makes evident that orders adopted by the Emergency Financial Manager that the “manager considers necessary to accomplish the purposes of this act, including, but not limited to, orders for the timely and satisfactory implementation of a financial plan developed pursuant to section 20,” are “binding on the local officials or employees to whom it is issued” (PA 72 of 1990, p. 5). In other words, these orders are lasting, legally binding decisions. While, in some instances, a local government may opt to overturn such orders, doing so requires following the rules set out in the city’s charter; i.e. following the traditional policy process for passing a local ordinance or order. As Scorsone (2010) pointed out, under PA 72, “The statutory process is focused on financial challenges such as internal control problems, cash flow shortage, or fund deficits” (p. 5). What it doesn’t do, he continued, is address any “long run economic problems that may be present in these communities” because such problems “are not easily or readily

addressed through a consent agreement or EMF process” (p. 5). What Scorsone (2010) makes clear is that the financial review team must ignore “the long-term economic and fiscal health of the community” and stay “focused on the issue of addressing short- and medium term adverse financial problems” (p. 5).

PA 4 of 2011. By 2011, many local governments throughout Michigan were feeling the financial pressure of the economic downturn, increasing post-retirement costs, and cuts to state revenue sharing. In response, the newly elected governor, Rick Snyder, sought to update PA 72 by giving the state, and its designee, more authority. PA 4 took effect in March 2011. The act stated,

The legislature hereby determines that the health, safety, and welfare of the citizens of this state would be materially and adversely affected by the insolvency of local governments and that the fiscal accountability of local governments is vitally necessary to the interests of the citizens of this state to assure the provision of necessary governmental services essential to public health, safety and welfare. The legislature further determines that it is vitally necessary to protect the credit of the state and its political subdivisions and that it is necessary for the public good and it is a valid public purpose for this state to take action and to assist a local government in condition of fiscal distress (The Local Government and School District Fiscal Accountability Act, 2011)

PA 4 revised the process for intervention and gave greater powers to the state appointed manager, which dropped the term “financial” and was named the “Emergency Manager.” Under PA 4, the number of “triggering events,” which would set in motion the path to municipal takeover, was expanded. A triggering event would then lead to a preliminary financial review by the Michigan Department of Treasury. If there was “probable financial stress” the treasurer’s office would recommend to the Governor that a formal financial review team be appointed. Much like under PA 72, the review team would determine whether the local government faced mild financial stress, severe financial stress or a financial emergency. The eight-person review team

had authority to review the accounts and record of the local government unit, draw on the expertise and services of other State agencies and employees; and, if necessary negotiate and sign a consent agreement with the chief administrative officer of the municipality (Public Act 4, 2011). If the local government was determined to be in a financial emergency and did not have a viable plan, the review team would recommend the appointment of an Emergency Manager.

Unlike PA 72, however, if the review team found a financial emergency, the Governor, not the loan board, would directly appoint an Emergency Manager. And, as the law noted, the “Emergency Manager shall serve at the pleasure of the governor,” but may delegate oversight to the state treasurer (PA 4 of 2011). This addition helped stream-line the process by eliminating the loan board.

Other changes were made under PA 4 as well. First, the law no longer restricted the selection of Emergency Managers based on their past involvement in local government. This turned out to be important in Flint, where two of the four Emergency Managers, Michael Brown and Darnell Earley, were previously employed by the city of Flint, and had served as interim mayors. The method for compensating the Emergency Manager was also spelled out, noting that the expenses of the Emergency Manager would be paid by the local government.

Most importantly, the 2011 law gave the Emergency Manager *enhanced* powers, including the authority to terminate collective bargaining agreements, reduce or eliminate the pay and benefits for local elected officials, and recommend consolidation or dissolution of municipal governments (Public Act 4 of 2011). PA 4 explicitly outlined more than 30 actions that could be undertaken by the Emergency

Manager and the full list is in Appendix 3. For Flint, the most important actions were the authority to change staffing levels, remove or replace “administrators, other than elected officials, from office” as well as “any office, board, commission, authority” under the local government unit. Also of importance in the Flint case was the EM’s ability to merge or eliminate local government departments, sell or lease local assets, and “enter into agreements with other units of municipal government to transfer property of the municipal government.” Additionally, two other elements were added to PA 4 that were significant in Flint, as well as the broader discussion regarding the “goals” of the takeover. First, under PA 4, the Emergency Manager was placed in charge of the local pension board; this paired with the ability to replace board members, meant having significant control over pension board decisions. Secondly, the law gave the Emergency Manager authority to terminate collective bargaining agreements:

After meeting and conferring with the appropriate bargaining representative and, if in the Emergency Manager’s sole discretion and judgment, a prompt and satisfactory resolution is unlikely to be obtained, [can] reject, modify, or terminate [one] or more terms and conditions of an existing collective bargaining agreement.

Though not directly influential to the Flint case, the state’s authorization for the EM to “recommend to the state boundary commission that the municipal government consolidate with 1 or more other municipal governments,” and “disincorporate or dissolve the municipal government and assign its assets, debts, and liabilities as provided by law,” were also important for symbolic reasons.

Moreover, the law stipulated that the Emergency Manager had sweeping jurisdiction to:

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 (PA 4 of 2011)

PA 4 was the “centerpiece of the fiscal program” developed by Michigan’s mostly-Republican legislature in 2011. Supporters of the law argued that it was a “more efficient and nimble response to the budget crisis confronting local governments in the wake of the housing crash and near collapse of the auto industry.” (Abowd, 2012). Yet, as Savage (2012) noted, “EMs have proven to be a divisive solution.” Known for his online journalism at Eclectablog, Chris Savage, reported in *The Nation* that the authority to outsource services and abolish collective bargaining “takes a page right out of the right-wing play book,” noting that such actions “will hasten the gentrification ...pushing out poor residents to make way for developers.”

While there was little public outcry regarding the state intervention in Wayne County in the 1980s, by 2010 local residents were growing concerned over the increased powers and utilization of Michigan’s municipal takeover law. Only 53 days after taking office, Governor Snyder had proposed PA 4, and was defending it to the press. Luke (2011) noted that Snyder was criticized by various constituencies for proposing PA 4, because it would “authorize state-appointed Emergency Financial Managers of municipalities and school districts to unilaterally amend or eliminate local union contracts.” Among the most vocal critics were labor officials who called the legislation an assault on collective bargaining” (Luke, 2011). In defending the bill, Luke (2011) noted that the governor “said the language of the bill may not reflect how those new powers are implemented in practice” and he “pledged to have “a good dialogue with organized labor about what’s going on and how we can do this constructively.””

Concern grew with the passage of PA 4 and the increased powers of the state-appointed Emergency Manager led to the formation of the Stand Up for Democracy campaign, which was formed on May 16, 2011, by a coalition of community organizations and activists, faith leaders, and unions that sought to overturn PA 4 through referendum. When the campaign had successfully secured 200,000 signatures to put the issue on the ballot in February 2012, the state legislature began discussing replacement legislation (Savage, 2012). In November 2012, PA 4 was overturned by Michigan voters with 53 percent supporting the elimination and only 47 percent wanting to keep the law.

PA 436 of 2012. Undeterred by the electorate, a month later, in December 2012, the Michigan legislature passed a new version of the law: Emergency Financial Manager Law, Local Fiscal Stability and Choice Act Process, Public Act 436. The law went into effect on March 28, 2013. PA 436 made some changes to the state's municipal takeover policy, which included requiring the salary of the Emergency Manager to be paid by the state, and the ability of the local government to vote out an Emergency Manager after 18 months. In addition, the new legislation outlined the process for addressing municipal fiscal distress, which included the option for one of the following:

1. Consent Agreement option;
2. Emergency Manager option;
3. Neutral Evaluation Process option;
4. Chapter 9 Bankruptcy option.

In an interview with *All Things Considered* (NPR), Scorsone noted, that the choices added to PA 436, were not true choices (Hakala, 2016); rather, he said, "The choice is a little constrained, to be truthful about it... if you really carefully read PA 436, what you actually find is that a local government can choose consent agreement, for example, but actually the state treasurer has to agree that that is the right approach. If they

don't agree, [the state treasurer] can force [the local government] to go back to one of the other options. So it is a choice, but perhaps a bit of a constrained choice" (Scorsone, as cited in Hakala, 2016). One of the more controversial elements of the new policy, however, was the stipulation that PA 436 could not be repealed by public referendum, as PA 4 had been. From its passage in March 2012 through the printing of this research in 2016, PA 436 has been utilized six times in Allen Park, Detroit, Ecorse, Flint, Hamtramck, and Pontiac.

Summary

Post-industrial cities like Flint face enormous financial pressures that derive from loss of major manufacturing corporations, loss of population, declining housing, and the challenges of "shrinking cities." How they address these issues varies, but for Flint the intervention of the State of Michigan was a central feature over the past fifteen years. During that time, various stakeholders have emerged to make claims about the current situation as well as to attempt to shape its future, among them foundations and unions. Flint's residents and community activists too are vocal in their hopes for the city's future, as evidenced by responses from interviewees, who provided invaluable insights. Chapter 5 delves more deeply into the implementation of Flint's municipal takeovers and the range of responses among its residents.

Chapter 5. Analysis: Implementation, Effects, and Response

Since 2002, Flint has experienced two municipal takeovers, four emergency managers, and thousands of executive orders, resolutions, and directives. Under the authority of Emergency Managers, the city of Flint went through significant changes. Municipal takeovers are symbolic of the “rationality project,” wherein the problem is viewed through a market lens and the solution, and thus the policy design, is claimed to be directed at fiscal conditions and policy outcomes. I argue, however, that municipal takeovers are political, and as such, have political consequences.

Municipal takeovers act to upset the existing political order, thus allowing for the rules of the game to shift. At the same time, this shift creates opportunities for longer term change not envisioned by the “rationality project.” The rules of the game that shift—such as the consolidation of authority in the Emergency Manager’s office—favor economic interests in the city, while simultaneously isolating and excluding, whether intentionally or not, those who are perceived to be impediments to economic growth and development, such as unions, adversarial elected officials, retirees, special interest groups, and the public more generally. Flint’s experience of municipal takeovers—2002 and 2011—provide a unique opportunity to examine the ways in which politics and political participation change.

This chapter begins by tracing the municipal takeovers in Flint from the perspective of the “rationality project,” focusing on Flint’s fiscal problems and responding with analyses and policy measures at both the state and local level. I then highlight specific key events as determined from the 35 interviewees, as a means of understanding the causal mechanisms that link policy implementation to changes in the

local political system. To determine those “specific key events,” interviewees were asked, “What were two or three of the most important decisions made under emergency management?” Responses were important as they identified what community stakeholders felt were important, and thus visible and proximate (see Soss & Schram, 2007). The next section centers on Flint’s takeovers from the perspectives of citizens and community groups, making clear the disjunction between the market and the polis.

Finally, I identify who gains and who loses from these new rules, and how these wins and losses mobilize new forms of political engagement to emerge. By tracing the imposition and implementation of the 2011 takeover, I distinguish three instrumental effects: 1. Changes to participatory access; 2. Allocation of resource benefits; and 3. Allocation of resource burdens. Additionally, I find that the policy also had a powerful symbolic effect on individuals, groups, and organizations, namely in the perception of the polis as losers in this process, regardless of the existence or lack thereof actual harm. The takeover therefore created pathways for some community interests to participate in the setting of the Emergency Managers takeover agenda, while those left out or burdened, sought alternative means of engagement. Slowly, the progressive activists, Black political leaders, and unions formed a political alliance in opposing the takeover and the Emergency Managers’ agenda.

The Takeovers, 2002 & 2011

Municipal Takeover, 2002: In 2002, Flint residents pursued a recall election to oust the then-mayor, Woodrow Stanley, setting off a series of events that ultimately led to Flint’s first municipal takeover in July of 2002. Stanley had served as mayor for more than a decade, from 1991 to 2002, after serving 8 years as the 2nd ward City Councilor.

While he was well-liked in some parts of the city (his own north-end 2nd ward in particular), Stanley faced criticism for his handling of the city's finances and his ineffective attempts to address the city's ongoing economic condition.

Stanley's tenure as mayor coincided with huge changes in Flint. From 1990 to 2000, the city witnessed a significant shift in its population, shrinking from 140,761 to 124,943, an 11.2% decrease over the decade. According to the *Flint Journal*, the city's "racial divide also continued, with whites leaving the city of Flint in droves and the county ranking as the 9th most segregated metropolitan area in the nation" (Raymer, 2001). During that same decade, the city saw the General Motors Division administration move to Detroit, and the closing of Buick City, resulting in the loss of approximately 4,000 manufacturing jobs. In February of 2000, Moody's Investor Services placed Flint's bond rating on the "watch list," indicating that it was a risky investment (LaFaive, 2002). The city had attempted to stave off the fiscal impact of increasing unemployment on local government resources by laying off nearly a third of the fire department and attempting to privatize garbage collection. These efforts, however, faced resistance from the American Federation of State, County, and Municipal Employees [AFSCME] union (Hakim, 2002; Ronders, 2001). The city did manage, however, to sell off the IMA Sports Arena for \$2.2 million to a local entrepreneur (Dresden, 2014).

On March 5, 2002, Stanley, a three-term mayor, was recalled by voters: 15,863 to 12,336. Darnell Earley, who served as City Administrator during Stanley's time in office, was appointed interim mayor. In an interview with the *LA Times*, Stanley indicated that he had been "made the scapegoat for the downturn created by GM's painful withdrawal" and that the election had "reopened deep racial wounds in a place where blacks live north

of the Flint River, the whites to the south.” (Frammolino, 2002). In response to the Mayor’s recall and the pending financial crisis in the city, Earley noted “the city should have made tougher decisions sooner” (as cited in Hakim, 2002).

On March 13, 2002, only a week after the recall, State Senator Bob Emerson (D-Flint) sought a preliminary review of the city of Flint’s financial condition under the Local Government Fiscal Responsibility Act, known as PA 72. The subsequent findings compelled the governor to appoint a financial review team to conduct an assessment of the city's fiscal situation. As cited in the case *City Council of Flint v. State of Michigan* (October 4, 2002):

The review team concluded that city officials demonstrated an inability "to accurately monitor revenues and expenditures throughout a given fiscal year and to amend city budgets accordingly." The 2000 and 2001 financial audit reports indicated that “the city failed to maintain an accurate and timely general ledger, failed to perform timely reconciliations of bank balances to the general ledger, and incurred an excess of expenditures over revenues.”

The review team found that the city had borrowed money from special purpose funds to supplement the general fund to the point where the city was no longer able to perform major functions such as road maintenance and water and sewer service. The report indicated that during the fiscal year ending June 2001, the city’s general fund deficit had doubled from \$13 million to \$26 million. Moreover, the review team reported, “there was a surprising difference of opinion among city officials regarding what the general fund deficit will be for the current fiscal year ending on June 30th [2002],” concluding that the fact that “city officials could not even agree upon the magnitude of the accumulated deficit, let alone upon a credible plan for its elimination, was troubling and suggestive of an inability to resolve the serious financial problem confronting the city” (as cited in *City of Flint v State of Michigan*, 2002).

On July 8, 2002, the Financial Assistance Loan Board appointed Ed Kurtz, former President of Flint-based Baker College as Flint's Emergency Financial Manager. The following day, attorneys, on behalf of city council, filed an appeal with the Ingham Circuit, which began a months-long legal battle between the city and the state regarding the legality of PA 72 and the use of Emergency Financial Managers. During Kurtz's tenure as Manager, from July 2002 through July 2004, he issued "nearly 120 directives" according *The Flint Journal* (Mostafavi, 2011). Actions undertaken by Kurtz, included conducting a salary and wage study of top officials, implementing new procedures for hiring, travel, and spending within the city, closing city community centers and the city Ombudsman's office, employee layoffs, and a water rate increase of 11 percent. He also negotiated pay and contribution cuts with unions and the city Retirement Board, respectively.

The appointment of an Emergency Financial Manager was met with mixed reviews. The *Flint Journal's* editorial board praised the state for stepping in to address the city's fiscal concerns. The Mackinac Center, a conservative Michigan-based think tank, also supported the action, while criticizing the policy (PA 72) for not going far enough to address the issues facing Flint (LaFaive, 2002; LaFaive & Schimmel, 2011). Many in the city however were skeptical of the policy. Lawrence Ford, president of the Chamber of Commerce, at the time, noted that he would have "preferred no takeover but that he will work with whomever," noting "Our hope is it will be resolved and it will be resolved quickly." (as cited by Machniak, 2002). Others leveled their criticism at Kurtz directly, suggesting that his appointment was "fueled by a larger power base that included the business community, the Mott Foundation and the Flint Journal." (Machniak, 2002).

City Council Vice President Johnnie Coleman seconded this criticism concluding, “The white elite group has picked this receiver and their only concerns are downtown and City Hall, not the neighborhoods... they literally took away our rights as citizens” (as cited by Machniak, 2002).

Ed Kurtz’s position as Emergency Financial Manager of Flint ended in July 2004, although the state continued to monitor the city’s finances until 2006 (Adams, 2013). Kurtz was able engineer a transition from a \$26.6 million general fund deficit to a \$6.1 million surplus by June 30, 2005 (Scorsone & Bateson, 2011).

In the seven years between the end of the first takeover and the beginning of the second, the city experienced a series of mayors, as well as continued economic hardship. Understanding what happened over that period is important to the second takeover in 2011, because the choices made during each of the administrations provides evidence of the ongoing policy paradox and the tensions between the market and the polis.

Near the end of Kurtz’ term as Manager, voters elected Don Williamson as mayor. Williamson, The *Flint Journal* reported, was a divisive character in Flint: “Some love him, some hate him, but everyone knows the mayor” (Whiteside, 2007a). Don Williamson won the mayoral seat in 2003 surprising many people because he ran against Democratic-party backed incumbent and former mayor James Rutherford. Independently wealthy, Williamson was seen by many as a political outsider. Williamson, who declined his mayoral salary opting to be paid \$1 per year by the city, was known for his engagement with community residents. Every Wednesday, for example, he set aside time so that residents could meet with him. Residents took this opportunity, even if it meant waiting hours for their turn (Whiteside, 2007a). In some instances, the mayor paid out of

his own pocket to aid residents in need (Whiteside, 2007a). Williamson was not universally liked however. Some saw him as the “combative, in-your-face, gruff Mayor of Flint” (Garza, 2009). According to Young (2013), for example, he once stated that the city council was “about as valuable as puke on brand new carpet” (p. 69). In 2005, Williamson led the charge against his opponents on city council, effectively getting them “booted” from their positions (Whiteside, 2007a). In 2009, Williamson resigned from office under the threat of a recall election. More important, under his leadership the city fell back into a budget shortfall of more than \$8 million.

Despite being well-liked in parts of the city, Williamson was the antithesis to the budget-focused technocratic management of Emergency Manager Ed Kurtz or the development-focused leadership of Rutherford.²² Williamson, for all of his faults, paid attention to the needs and desires of the broader public, especially the less affluent, poor, and Black communities on the north end of Flint. However, as Young (2013) pointed out, “Flint-style democracy, with its recalls and special elections, was costing the city a lot of money it clearly did not have” (p. 70). After years of divisive politics and facing a recall election, himself, Williamson resigned. But, just as he was set to leave office, he appointed Michael Brown as city administrator. At the time of his appointment, Brown was working for the Flint and Genesee Chamber of Commerce and had a reputation for

²² James Rutherford was first elected mayor in 1975, running against Floyd McCree, Flint’s first Black mayor. Rutherford narrowly won with only 169 more votes than his opponent (Flint Journal, 2002). Finding an ally in the new mayor, a coalition of community leaders, including the Mott foundation and other civic organizations, put forward “sweeping revitalization plan for the central business district” (Highsmith, 2015, p. 257-258). The plans, included the now infamous AutoWorld. AutoWorld, the “linchpin” of Flint’s major revitalization plans, opened in 1984. As Highsmith (2015) noted, the theme park, “like most of the others” in the downtown business district, was funded by public and private dollars: \$36 million in public funds, \$31 million from the Mott Foundation, \$9 million from an east coast investment firm called Capital Income Properties, and \$4 million from private donors. (p. 259).

financial acumen. Two weeks later, Brown was named the city's interim Mayor, per city charter, after the resignation of Williamson (Lawlor, 2009a).

Reflecting on Brown's short stint as City Administrator, Bruce, a former elected official, said that he "believed that Williamson's resignation and the naming of Brown as City Administrator had political motivation from "Uptown" leaders:

It's my understanding that Mayor Williamson had a city administrator, Darryl Buchanan, who had been a council member from the first ward. He was Williamson's city administrator. He demoted him or put him into another position. Williamson did that to Buchanan and brought on Mike Brown, I think, at the urging of Uptown. Phil Shaltz²³ ... in particular was working behind the scenes on that, is what I was told. They somehow convinced Williamson to resign and put Mike Brown in, as city administrator, knowing that he would be elevated to the position of interim mayor. I don't know all the details, but I'll bet you that that whole scenario was developed by the economic powers downtown and that's how Mike got in there that first time. Then when he left, he went back to the Flint Area Investment Corporation, which is funded by the CS Mott foundation, primarily, and then slid back in as EM.

Although Brown was only in office for six months, he made significant changes at city hall immediately upon taking office. Of particular importance to this analysis, were the political appointments he made, as they further highlight the relationship between Brown and the local development regime discussed in more detail below. As Mayor, Brown appointed five people to city hall: Duane Miller, former GM executive (who is now- Vice President at Flint and Genesee Chamber of Commerce), was tapped to serve as Governmental Operations Director; Leonard Smorch, former Controller for Genesee County, to serve as Finance Director; as well as Alvern Lock as Police Chief, Angela Watkins as City Attorney, and Tracy Atkinson as Constituent Services Director (Mickle,

²³ Phil Shaltz, owner of Shaltz Automation and co-founder of Uptown Development Corporation with close ties to the C.S. Mott Foundation, was very involved the discussions that led to Brown's appointment (Fonger, 2009).

2009). Additionally, Darryl Buchanan, a political adversary, was stripped of his title and made special projects director (Mickle, 2009). During his short stint as Mayor, Brown not only shook up city hall, he submitted a deficit reduction plan to the state, which included eliminating 48 police, 24 firefighters, and 13 other positions within local government (Lawlor, 2009b). As early as 2009, Brown was suggesting that the city needed to make significant cuts in order to avoid another takeover (Lawlor, 2009b).

Brown did not run for Mayor in the August, 2009 special election, however. Instead, Dayne Walling, a Flint-native and PhD candidate at the University of Minnesota, handily won the election against Genesee County Commissioner Brenda Clack, taking “35 of the city's 60 precincts, including five predominantly black precincts,” further noting that “Walling arguably got more support from the black community than former Mayor Don Williamson did in 2003 when he ran against Clack's husband, former state Rep. Floyd Clack” (Longley, 2009).

Walling's first term was aimed at creating what he called a “diversity coalition,” in which he actively sought the advice and input from constituents from across the city (Longley, 2009). One of Walling's biggest contributions, initiated in 2009, was updating the city's comprehensive master plan, which had not been revised in 50 years. *Imagine Flint* (2013), which did not formally launch until 2012, was a “blueprint” or “road map” for Flint's future. Adopted in 2013, the plan was intended to serve as a “policy guide” for city officials and city leaders.

Municipal Takeover, 2011. Regardless of his commitment to building a “diversity coalition,” under Walling's leadership, the city of Flint continued to face budget shortfalls. In 2011, the city again found itself confronted with a municipal

takeover. The “progress” made under Ed Kurtz, Scorsone & Bateson (2011) argued, was reversed within three years: “Subsequent labor settlements, costly litigation, and declining revenues caused the City to return to a significant deficit position. By June 30, 2008 the City closed the fiscal year with a deficit in the General Fund of \$6.8 million” (p. 9). By 2011, the city was facing “severe financial pressure.” (Scorsone & Bateson, 2011, p. 10). At the end of 2010, the city’s general fund deficit was \$14.6 million. Three of the city’s special purpose funds were also in a deficit position: the building department fund, parks and recreation, and garbage collection. The city’s property tax revenue, income tax revenue, and state shared revenue had decreased significantly between 2006 and 2010, while expenditures kept increasing (Scorsone & Bateson, 2011). In 2011, recognizing the financial condition of the city, the Walling administration asked the Michigan Department of Treasury’s permission issue \$20 million in a 25 year stabilization bond in order to maintain operations, but was only authorized \$8 million (Longley, 2011a; Longley, 2011b; Scorsone & Bateson, 2011).

Walling’s action in seeking bond funds to help Flint was not sufficient, however. After the state was notified of the city’s fiscal condition by then-finance director, Michael Townsend (Longley, 2011e), the Department of Treasury, acting under PA 4, began a preliminary review of Flint’s financial condition. The preliminary review confirmed that the city had incurred cumulative deficits in many of its funds, had not followed its own deficit elimination plan, and had consecutive years in which expenditures exceeded revenues. The preliminary review also pointed out that the city’s ability to pay its short-term obligations was “uncertain,” the city’s pension system was “less than 60 percent funded,” and city officials had failed to reduce staff “in accordance with their deficit

elimination plan” (Michigan Department of Treasury, 2011). Based on the findings, the Treasury Department reported on September 12, 2011, that “probable financial stress existed in the City of Flint and recommended the appointment of a financial review team” (Michigan Department of Treasury, 2011).

On September 30, 2011, Governor Snyder appointed an eight member Financial Review Team: Roger Fraser, Deputy State Treasurer; Darnell Earley, former Flint City Administrator; Bob Emerson, former State Senator (D-Flint) and former State Budget Director; Frederick Headen, Director of Local Government Services at Michigan Department of the Treasury; Doug Ringler, Director of the Office of Internal Audit Services in the Department of Technology, Management and Budget; Brom Stiblitiz, Senior Policy Advisor at the Michigan Department of Treasury Laura Argyle, nominee of the Speaker of the House; and, Gene Dennis, nominee of the Senate Majority leader. The review team met during October 2011 and November, 2011 to review the financial statements and reports from the city, as well as conduct interviews with local officials. Interviews and meetings were conducted with both outside experts as well as a range of interested parties:

- City officials
 - Greg Eason, Flint City Administrator
 - Michael Townsend, Flint Finance Director
 - Alvern Lock, Flint Police Chief
 - Raymond Barton, Assistant Fire Chief
 - Donna Poplar, Flint Human Resource Director
 - Robert Erlenbeck, Flint Risk and Benefits Administrator
 - Douglas Bingaman, Flint City Treasurer
 - Sekar Bawa, Flint Deputy Finance Director
 - Peter Bade, Flint City Attorney
- Representatives of the judicial system
 - Archie Hayman, 68th District Court Chief Judge
 - William Crawford II, 68th District Court Judge
 - Paula McGlown, 68th District Court Administrator

- Elected representatives
 - Dayne Walling, Flint Mayor
 - Jacqueline Poplar, Flint City Council President, 2nd ward
 - Joshua Freeman, Flint City Council member, 4th ward
 - Scott Kincaid, Flint City Council member, 7th ward

These discussions, in combination with the findings of the preliminary review, convinced the financial review team, pursuant to the rules set out in the law, that “conditions indicative of a financial emergency” existed in Flint (Michigan Department of Treasury, 2011). In addition to Flint’s financial deficiencies, the report also criticized the city for both failing to put city charter review amendments before voters and failing to achieve concessions from the city’s unions.

At the same time that the financial review team was finalizing its report, the politicians were vying to be elected mayor of Flint. Fewer than twenty percent of registered voters turned out to vote on November 8. With 8,819 votes (56 percent), the incumbent Dayne Walling beat his opponent Darryl Buchanan, who had 6,868 votes (Longley, 2011c). “The same day voters handed him a solid victory, the state handed Mayor Dayne Walling a stunning blow,” reported local journalist Kristen Longley (2011). That blow was:

A declaration of a financial emergency in Flint and a recommendation that an Emergency Manager take the reins. Now, Flint’s newly re-elected mayor is under the shadow of a likely state takeover — the cash-strapped city’s second in just under a decade. Walling could be stripped of authority to carry out the duties of his own office.

Furthermore, Longley reported, “despite the Walling administration’s budget cuts, including controversial police layoffs that led to an unsuccessful attempt to recall him last year [2010] the [Financial Review Team] panel said city officials haven’t done enough to fix the structural deficit in Flint and recommended an outsider step in.” Walling

reportedly stated, “As mayor I have the difficult job of balancing budget realities with human realities” (as cited in Longley, 2011c).

On December 1, 2011, Michael Brown, the city’s first state-appointed Emergency Manager took office. Brown’s reputation as City Administrator and interim Mayor in 2009 had made him an obvious choice, and once appointed, he wasted little time. Within the first week, Brown had eliminated the positions of seven political appointees, cut the salaries and benefits of the mayor and city council, set strict guidelines for city procurement as well as the process for submitting resolutions and ordinances, and eliminated the Office of the Ombudsman and the Civil Service Commission.

Brown served as EM for only nine months, although he remained part of the Emergency Manager team and returned to the position for four months in late summer 2013. Others who held the position were Ed Kurtz, Darnell Earley, and Jerry Ambrose; and all were well known in Flint.²⁴ The actions they took are discussed more fully below, paying particular attention to issues and concerns raised by my interviewees.

During this period, Michigan legislators were determined to establish a policy that would permit the state to monitor and supervise when necessary the financial actions of a city. During Flint’s 2002-2004 takeover, PA 72 provided the authorizing legislation. In 2011, the legislature passed the much more restrictive PA 4. When voters overturned PA 4 by referendum, PA 72 was reinstated. Then within months, the legislature approved PA 436. The changes between PA 4 and PA 436 were insignificant, as members of the emergency manager team reported. While the names and titles of the emergency

²⁴ Jerry Ambrose was not from Flint, nor had he worked in the area. However, he was tapped by Michael Brown to serve as Finance Director, and by the time he was appointed EM, he was well known throughout the city.

managers changed, the agenda, as set by Brown, was carried out. One of the team noted, “look at all the different people that went through. What’s amazing is, we never missed a step. That plan we submitted was executed” (Patrick).

“That plan” was Michael Brown’s 45 day “The Financial and Operating Plan,” which was submitted to the state on January 15, 2012. In that plan, Brown (2012) laid out his goals:

- Long-term financial stability;
- An increase in revenue base to provide quality services to its residents;
- A reduction in government costs through negotiated union contracts, consolidation and shared services, and ongoing professional development of staff;
- Continue to maintain and modernize the infrastructure of the city in alignment with the current population counts;
- To streamline the processes necessary for businesses to locate, and continue operations, in the city;
- To utilize the Master Plan to stabilize and then increase both the commercial and residential base of the city;
- To provide public safety services, focusing on reducing violent crime, commensurate with cities of comparable size and resources.

Of particular relevance here, are the last three goals, as they are not explicitly “financial,” but suggest Brown’s interest in broader economic development and revitalization.

The team referred to by Patrick included the following:

Members of the Emergency Manager Core Team:

- Mike Brown, Emergency Manager, December 2011-
Former County Commission, former Director of Community Development and Government Relations under Collier, former City Administrator under Williamson, former President of United Way of Genesee and Lapeer Counties, Interim Mayor for City of Flint (Feb-Aug, 2009), former Director of Flint Area Reinvestment Office at the Mott Foundation; President of Prima Civitas
- Jerry Ambrose, Financial Advisor to Emergency Manager; Emergency Manager
Former Finance Director of Lansing, MI
- Elizabeth Murphy, Assistant to the Emergency Manager
Former Director of Public Works under Mayor Collier and current Group Vice President at Flint and Genesee Chamber of Commerce
- Al Lock, Police Chief
- Ward Chapman, Civil Attorney

- Peter Bade, City Attorney
- Howard Croft, Director of Public Works
- Maxine Murray, Assistant to the Mayor/ Emergency Manager

Advisory Committee Chairs: (As reported in 45-day plan)

- Armando Hernandez, Finance Administration Chair
Member of Governor Snyder's Hispanic/ Latino Commission,
Board chair of the Genesee County Hispanic Latino Collaborative, and
Assistant Vice President for Security Credit Union
- Diana Kelly, Public Safety Chair
Program director at Metro Community Development
- George Wilkinson, Infrastructure Development Chair
Director of Operations for Flint & Genesee Chamber of Commerce, Pastor
at Word of Life Christian Church, Board of trustees for Community
Foundation of Greater Flint, Board of Directors for Genesee Habitat for
Humanity (appointed, 2014)
- Sue Peters, Grants/DCED Chair
Programs Officer with Michigan LISC, former program officer with Mott
Foundation, Pathways out of Poverty
- Ed Kurtz, Pension and OPEB Underfunding Chair
Former EFM, Former President of Baker College

Citizen's Advisory Committee, Two elected officials and three community members:

- Dayne Walling, Mayor
- Delrico Loyd, 1st Ward Councilman
- Kenyetta Dotson, Community activist
- Latrelle Holmes, Pastor at Great Galilee Baptist Church
- Tim Herman, CEO of Flint and Genesee Chamber of Commerce
President of Uptown Redevelopment Corporation, Former Flint Finance
Director under Collier, member of Governor Snyder's Council for Labor
and Economic Growth

Brown's selection of advisors was unsurprising given his long-time involvement with the Mott Foundation and the Chamber. Brown's appointment coupled with the people he selected to implement change led to the same criticisms that had been leveled at his term as interim mayor of Flint in 2009. Many residents assumed, with some evidence, that Brown was appointed at the request of the local power players. Carl, a former elected official, noted, "My understanding is that the Governor and [State] treasurer, Dillon, consulted extensively with the Mott Foundation and the business community about how the intervention would be best executed in Flint." Those organizations, he continued,

“really pushed for more of a local approach. Mike Brown had been a non-profit executive in the community. He had worked for the city of Flint as Department of Community Development Director back in the late Eighties.” Michael Brown seemed like the ideal candidate.

As a result of the PA 4’s repeal by popular vote and the reinstatement of PA 72, Brown stepped down as Emergency Manager in August 2012; however, he continued to serve on the Emergency Manager Team, as the City Administrator under Ed Kurtz. Brown returned to the position of EM for a short time in summer of 2013, after PA 436 went into effect. When he left, the Governor appointed Darnell Earley to the post. Jerry Ambrose, the appointed Finance Director and member of the EM team from the very beginning, took over from Earley in January 2015 and served in that role until the emergency was lifted in April, 2015 (See Table 5.1).

Table 5.1 Flint’s Emergency Managers, 2002- 2015

Manager	Dates	Title	Law	Governor
Ed Kurtz	July 2002- June 2004	EFM	PA 72	John Engler
Michael Brown	Dec 2011- Aug 2012	EM	PA 4	Rick Snyder
Ed Kurtz	Aug 2012- March 2013	EFM	PA 72/	Rick Snyder
	March 2013 -July 2013	EM	PA 436	
Michael Brown	July 2013- Oct 2013	EM	PA 436	Rick Snyder
Darnell Earley	Oct 2013- Jan 2015	EM	PA 436	Rick Snyder
Jerry Ambrose	Jan 2015- April 2015	EM	PA 436	Rick Snyder

Between 2011 and 2015, under these four state-appointed Emergency Managers, more than one hundred executive orders, resolutions and directives were implemented. These directives included, among other things, shuttering city offices, laying off employees, restructuring collective bargaining agreements, selling city assets, and increasing fees.

Instrumental Feedback Effects: Access, Benefits, and Burdens

Changes in Participatory Access. Under Emergency Managers, the organization and operation of Flint’s government was changed and as such “changed the rules of the

game.” The changes undertaken by the Emergency Managers, under the pretense of addressing operational deficiencies within city government, created winners and losers among community groups. Some community residents and organizations gained further access to local decision making, while others were excluded.

Improved Access. As the preceding section alludes, Michael Brown was already well liked and well-connected in Flint when he was appointed EM in 2011. Brown had previously served in elected office as a Genesee County commissioner from 1981-1984, and was appointed Director of Community Development and Government Relations for the City of Flint under Mayor Collier from 1987-1991, and of course, former City Administrator and interim Mayor. Beyond his role in local government, however, Brown had led numerous nonprofit organizations, including the American Red Cross of Genesee and Lapeer Counties, United Way of Genesee and Lapeer Counties, and the Capital Area United Way. In 2008, before being appointed City Administrator he was the Executive Vice President for Public Policy (Economic Development/Educations) at the Flint and Genesee Chamber of Commerce. After his short time at City Hall, he founded and served as the Director of the Flint Area Reinvestment Office, a program of the United Way of Genesee County and funded by the area Foundations.

Outlining Brown’s resume serves two functions. First, it highlights the connections he had with the Chamber and the Mott Foundation. It also shows Brown’s focus on economic development, what one of my interview participants called his “development agenda” (Zach). Unsurprisingly, those that he selected as advisors, as described above, were also primarily “development” oriented community stakeholders;

representatives from the Chamber, the Metro Community Development, and the Mott Foundation.

“Opposition” groups were not completely excluded from Brown’s advisory roles. The citizen’s advisory council, for example, included representatives from area churches, as well as city councilmembers that represented the north end. Others members of the community, also critical of the takeover, were invited to participate on different committees. For example, a representative from Concerned Pastors for Social Action sat on the committee to hire the City Administrator, Natasha Henderson. However, these roles were minimal in the broader context of the takeover, especially given the ways access was further restricted in other areas.

Restricted Access. The first and most often criticized element of municipal takeover is the suspension of City Council and Mayoral decision making authority. Giving the Emergency Manager the sole power to make decisions on behalf of the city was viewed as undemocratic by opponents. As I argued in Chapter 1, proponents of the policy can simply respond with: the policy is only temporary; but the Governor is democratically elected, and the EM reports to the Governor. Unaddressed, however, is the issue that the city council, in particular, was an important venue for both union and Black community interests to be heard. The elimination of local officials’ authority, effectively cut local unions and many Black political leaders out of the agenda setting process.

Residents, too, were isolated from meaningful participation in decision making. The first “community roundtable” meeting that took place after Brown’s appointment happened in December 2011, weeks after he took office. The meeting, which was

focused on crime, was invitation-only. In attendance were “community leaders from local churches, the Genesee Regional Chamber of Commerce, the Charles Steward Mott Foundation” as well as of local groups such as the Flint NAACP, and local schools (Longley, 2011d). Frances Gilcreast, the local NAACP president, noted there was an “elephant in the room” at the meeting, acknowledging the lack of resident voices, particularly since the law is a “disenfranchisement of the community” (as cited in Longley, 2011d). Also in attendance, though not invited, were local protesters holding signs reading “EM Law= dictatorship” and “Don’t remember the vote for Mr. Brown?”

Brown did hold a series of community and neighborhood forums in February of 2012. At those meetings, Brown presented attendees with information on the city’s fiscal condition and warned that there would be cuts to city services to address the budget deficit before taking questions from the audience (Longley, 2012a). Many residents felt as though the process, however, was a farce and was not meant to be more than information sharing.

More importantly, though, Brown eliminated two important mechanisms for resident’s to bring their concerns to the city in a formal manner: the Office of the Ombudsman (EO 005) and various citizen councils (EO 033). The Ombudsman’s office was an ongoing point of contention. Ed Kurtz, for example, had previously closed the office under his term as Emergency Financial Manager. Costing nearly \$325,000 a year out of the annual budget, others including Mayor Walling, also advocated for the elimination of the office (Fonger, 2014c). Yet, others including former city councilman, ombudsman, and attorney, Terry Bankert, was an advocate for the office, calling the Office of the Ombudsman, the “‘good government’ thing to do” (Bankert, 2016).

Moreover, the Ombudsman's office is stipulated in the Flint City Charter. The office had subpoena powers to investigate the grievances of city residents regarding city agencies. The office, in essence, served as means of checks and balances; providing local residents the opportunity to formally lodge complaints against the city. This mechanism for engagement was eliminated.

On August 8, 2012, hours before the State Board of Canvassers placed the repeal of PA 4 on the ballot, Brown, in a flurry of decisions, eliminated each of Flint's Citizen District Councils: Smith Village, I-475 Neighborhood Development, and Flint Park Lake. The Citizens District Councils advise the city on local grant-funded development projects. The Community Development Corporations, with which they are linked, serve as liaisons between neighborhood interests and city officials. While more indirect, the elimination of these councils also meant less involvement from neighborhood constituents in developing, or at least informing, the local development agenda. In the same executive order, Brown also consolidated two quasi-governmental units, placing the Flint Area Enterprise Community under the Enterprise Economic Development Corporation, and removed and replaced appointees on Flint's Historic District Commission, Downtown Development Authority, as well as the Local Officers Compensation Commission (Longley, 2012e).

Just as the Emergency Manager has the power to eliminate citizen boards and remove or replace citizens serving in other appointed positions, he also has the power to create new ad hoc committees. The Blue Ribbon Committee on Governance was created under Darnell Earley, in January, 2014. The 22-member²⁵ committee was tasked with

²⁵ 23 members were initially appointed, but one member resigned in March, 2014.

evaluating Flint's governing structure, particularly focusing on ways to improve the city charter. Members were appointed by Earley and included a range of interested parties and experts: nonprofit executives, attorneys, the president of Kettering University, county commissioners and administration, faith leaders, members of the Flint planning commission, as well as Chamber CEO Tim Herman, former Emergency Manager Ed Kurtz, EM advisor and program director at Metro Community Development Diana Kelly, and Mayor Dayne Walling (Adams, 2014). All but three of the members live in Flint (Scorsone & Doidge, 2014). The process was facilitated by Scorsone and Doidge, faculty members at Michigan State University and advisors on Michigan's Emergency Manager Law.

Much like the elimination of the Ombudsman's office, the creation of the Blue Ribbon Committee on Governance was viewed as an indicator that decisions were made "behind closed doors." Bill highlighted that the group included a range of key stakeholders, "representing institutions, community groups, faith leaders, elected officials. It was a pretty diverse group." However, he continued, "the fact that it was a closed meeting [and] it wasn't an open meeting" drew skepticism and concern from community residents. "Remember" he said, "anything that's closed around here, they ...believed to be an opportunity to hide things from people as a whole."

One nonprofit leader noted, "If you want to set up a group that sounds elite, just call it the "Blue Ribbon Committee," but that's what it was" (Adrian). The committee met privately from January 2014 through June 2014. The committee, however, was committed to engaging with community members and hosted three community

workshops in May of that year, drawing in community members from across the city.²⁶ Attendees expressed a range of concerns about the process; one attendee asked, “Are these session just to rubber stamp the decisions already made?” (as cited in Scorsone & Doidge, 2014, p. 24); another attendee spoke about the larger issue of the Emergency Manager undermining democracy, noting “This public input is a smoke screen” (p. 29), and another, “How do you enact democratic reform when a majority of the population chooses not to participate” (p. 34)? Still many others voiced concerns regarding the EM’s emphasis on governance, rather than financial concerns, represented by the statement made at the May 13, meeting: “Seems like a disproportionate amount of energy is being given to the issue of governance without dealing with other important issues like city finances, water bills etc.”

On June 30, 2014, the committee submitted their findings and recommendations to the Emergency Manager. Six recommendations were made: shifting to a hybrid form of Council-Manager government with an elected Mayor and an appointed City Manager; reconsideration of the City Council system by a Charter Commission; Ongoing training for all City Council members; City-appointed officials report to and are hired by the City Manager (with the exception of the City Attorney and City Clerk); Elimination of the Civil Service Commission and removal from charter of Ombudsman Office; Adoption of multi-year budgeting, strategic planning and long-term financial forecasts. Based on these recommendations, Early, using the authority granted to him under the law, placed five of

²⁶ Attendance at the community meetings: 34 people attended the meeting on May 3rd, 2014; 43 were at the meeting on May 10th, 2014; and, 40 people attended the meeting on May 15, 2014 (Scorsone & Doidge, 2014).

the proposed charter amendments and a proposal to conduct a charter review, as recommended by the Blue Ribbon Committee, on the November ballot (Table 5.2).

One member on the committee, Elizabeth Jordan, took copious notes at the committee meetings and disseminated them to other stakeholders in the community. Jordan (personal communication, 2014), noted, in one of her final reports to the community regarding the work on the committee:

As those who read the Journal's coverage of the last City Council meeting on the subject could attest, many people have strong feelings about the Blue Ribbon Committee. What I hope is not lost in the emotion, however, is that it is the Flint voters- not the Blue Ribbon Committee- who get to decide this vote. As a community, there are ways we have been politically disempowered. To treat the questions we face about our charter as a decision that someone else has already made (either by refusing to vote or voting all up or all down without due consideration of the merits of each proposal) would be to give up the very real power we do have. The Blue Ribbon Committee made recommendations, but it is the people of Flint who will decide.

Nearly 30,000 Flint residents cast ballots on November 4, 2014.²⁷ Voters passed some of the proposals, but overwhelmingly opposed the elimination of executive offices, the Civil Service Board, or the Ombudsman's Office (Table 5.2). The results of the November election provide further proof that the general public, or at least the voting public, was opposed to the elimination of the Ombudsman's Office. However, Earley refused to reestablish the office after the election, noting "There are no plans to hire an ombudsman" (as cited in Fonger, 2014c)

²⁷ The November, 2014 ballot also include the Governor's race, as well as the Secretary of State and the Attorney General.

Table 5.2 Charter Amendment and Review Ballot Questions and Results, 2014

Proposal	Result	Total Votes	% Support/ Oppose
1: Shall there be a general revision of the city charter? ²⁸	Pass	20,328	56.10-43.90
2: Shall there be a reduction in the number of principal staff appointed by the mayor for legal counsel and administrative services from no more than 10 to no more than five?	Pass	20,709	59.65-40.35
3: Shall there be a requirement that the annual budget presented to the City Council be accompanied by a message explaining the budget, to provide for multi-year financial plans and revenue projections, and the establishment of a budget stabilization fund?	Pass	20,736	67.37-32.63
4: Shall the requirement for specific executive departments be eliminated?	Fail	20,455	45.29-54.71
5: Shall the Civil Service Commission be eliminated?	Fail	20,740	28.39-71.61
6: Shall the Office of Ombudsman be eliminated?	Fail	20,955	36.99-63.01

Source: Genesee County Election Division

Two other changes, made just before Flint's financial emergency status was lifted in April, 2015: The creation of the Receivership Transition Advisory Board (RTAB) and the appointment of a contracted City Administrator. Both RTAB and the new City Administrator, Natasha Henderson, are further exemplars that changes under municipal takeover last beyond the city's fiscal emergency. Both RTAB and the City Administrator were tasked with upholding the changes made under the municipal takeover, and in the case of RTAB, serving a supervisory function over the City Council. According to Flint's RTAB website,

As of the end of April, 2015, the City of Flint moved from being under the control of an emergency manager to home rule order under the guidance of a Receivership Transition Advisory Board (RTAB). This board will ensure a smooth transition by maintaining the measures prescribed upon the emergency manager's exit. The Mayor and City Council have resumed their defined roles with regard to City business, yet major financial and policy decisions will be reviewed by the RTAB

²⁸ Some of the recommendation, including the recommendation to change form of government, require the election of a charter revision commission. The other five amendments could be adopted without a charter review.

to ensure that they maintain fiscal and organizational stability, as directed under Public Act 436.

The Emergency Manager was appointed by the Governor under Public Act 436 to oversee the management of the city during financial crisis. The job of the EM was to bring long term financial stability back to the city by addressing any and all issues that threatened the city's financial solvency. Four different individuals served as emergency manager from December 2011 to April 2015.

While some viewed the RTAB and new City Administrator as mere continuance of non-elected management, one of my interviewees saw RTAB, in particular, as a step in the right direction, and evidence that PA 436 was an improvement over PA 4, stating "I think the state as a whole is a winner, because 436 has the opportunity for the governor to employ a receivership transition advisory board with no particular end date. I think that's one of the strongest items that was included in 436" (Morgan, member of the Emergency Manager Team).

Allocation of Resource Benefits. Often supporters of the municipal takeover argued that the policy benefited city residents most, but acknowledged that the policy placed significant burdens on city employees and retirees. Morgan, for example, acknowledged that while changes to retiree pension options were "a tremendous benefit for the city," "these [changes] were a big impact to [retirees]... these are huge hits to people." None of the supporters, however, acknowledged that some of the decisions made by the Emergency Managers benefit specific groups in the community; an issue that routinely came up in interviews with other community members.

Some groups did benefit from the takeover. It is not to say that they did so in a malicious or illegal way; instead, due to their already close connection to the Emergency Managers and the power in the city, some stakeholders felt less of the burden and more of

the benefits. The benefits were captured by those closest to the Emergency Manager, especially the Uptown Developments LLC.

Uptown Developments LLC and its sister nonprofit, the Uptown Reinvestment Corporation, were established in 2002 to develop downtown Flint, with significant financial support from the Mott Foundation (Highsmith, 2015). Uptown grew out of the long-time revitalization group, referred to as the “Uptown Six,” that was focused on a pro-growth, development agenda. Troy Farah, one of the founding members of the Uptown Six, noted that Uptown practices, “real estate philanthropy” (as cited in Manns, 2013), emphasizing that the organization is not looking for a “financial return on investment,” But a “return on investment [that] is the economic impact on Downtown and the benefits to the community” (as cited in Manns, 2013).

The founding members, and executives, of the Uptown organizations, in addition to Farah, included other prominent businessmen from Flint: Phil Shaltz, who was instrumental in coordinating Brown’s appointment to City Administrator in 2009 and Tim Herman, CEO of the Flint and Genesee Chamber of Commerce and member of the EM advisory team, and current Board president of the Uptown Reinvestment Corporation (Duggan, 2010; Manns, 2013). Ridgeway White, served as a Mott Foundation loaned executive to the Uptown Reinvestment Corporation from 2009- 2015, when he was named President of the Foundation.

With access to the EM and the ability to help set the policy agenda, it is unsurprising that one of the more controversial decisions made during the 2011 municipal takeover revolved around the sale of two city assets: the Genesee Towers and the Flint

Farmer's Market. These two decisions were divisive because many viewed them as non-financial and unfairly benefiting local elites.

Genesee Towers was first built in 1968; but by 2013, the building had been abandoned and empty for over a decade. Poor construction and years of neglect made the building a public safety concern. After years of legal battles with the property owner during the Williams administration, the Michigan Court of Appeals upheld a previous arbitrator's ruling that the city take ownership of the property and pay the owner \$6 million (Longley, 2012f). In 2010, a judge ordered the city to assess Flint taxpayers for the cost of the legal debacle, placing an extra 6.751 mills on each property owner's tax bill, a fee of approximately \$150, on average, for each homeowner (Longley, 2012f). Then, in August 2012, Michael Brown signed a development agreement with Uptown Reinvestment Corporation for one dollar (Longley, 2012d).

Adrian captured the sentiments of many of the community members I interviewed regarding this decision, noting, "We had a boatload of additional money that we had to shell out, each and every person [in the city] for this building [Genesee Towers], and then [Brown] give[s] it away for a dollar for a plan that had not been publicly discussed or vetted or commented on."

The purchase of the Towers was part of a larger plan²⁹ by Uptown to demolish the towers and create an urban plaza. Part of the plan, developed by Uptown and supported by the EM, was to move the Flint Farmer's Market, which had been managed by Uptown

²⁹ In addition to the sale of the Towers, two months later, the Flint Downtown Development Authority (DDA), a quasi-governmental entity, approved the sale of a parking lot next to the Genesee Towers to Uptown Reinvestment for \$95,000 more than its appraised value (Byron, 2012). The deal also called for the DDA to give the \$200,000 to the Chamber of Commerce for the purchase of another convention center and visitor's bureau. Three members of the DDA serve on the board of the Uptown Corporation. Each of them abstained from voting for the plan

since 2002, to a new building owned by Uptown. The action effectively privatized the Market. Adrian noted, as part of the deal to purchase the Towers, the city, basically “signed, sealed, and delivered the demise of our old farmer's market, which was publicly owned, [with] the promise of a new farmer's market that would be privately owned, all of which was done completely behind closed doors,” noting, “Whether or not it was the right decision to do, the fact that it was done in that fashion really bothered me.”

Alexei, a local artist, shared Adrian’s sentiments, stating, “I like the new Farmer’s Market,” but added, the decision to sell public properties concerned him in terms of it “being a trend.” Alexei continued, “I ‘m not saying all development is evil, but [it is] a little shifty in terms of who is making the decisions and who it profiting from them. I think that was significant.”

Allocation of Resource Burdens. While some community stakeholders benefited under municipal takeover, significant resource burdens were incurred by community residents across the city. An active member of the group Concerned Citizen’s for Social Action, Rev. Flynn argued that Flint’s increased fees felt like “taxation without representation” (Kelly, 2012). Between 2011- 2015, retirees, active union members, and the public more generally saw increased costs, including rising healthcare costs, cuts to pensions, and increased costs for municipal services.

Drawing on increased authority under PA 4, Brown and his successors attempted to address the costs associated with the city’s collective bargaining agreements and so-called “legacy costs.” While some of unions, AFSCME Local 1799, P.O.L.C.-Flint Police Sergeants Union, the Flint Police Captains and Lieutenants Union, and I.A.F.F.- Flint Firefighters Union, came to the negotiating table and negotiated agreements (EO 014,

015, 016, and 027), others opted out. Both the Flint Police Officers Association (FPOA) and AFSCME Local 1600, “refused to agree to any of our proposed concessions.” (EO 07, 026). In April, 2012, the EM requested that the State Treasurer agree with his request to modify the Collective Bargaining Agreements without approval from the unions.

In addition to modifying the Collective Bargaining Agreements, the Emergency Manager significantly cut health insurance options for retirees, including non-union retirees and each of the city’s unions, P.O.L.C.-Flint Police Sergeants Union Retirees; P.O.L.C.-Flint Police Captains and Lieutenants Union Retirees; Flint Police Officers Association Union Retirees; Flint I.A.F.F.-Flint Firefighters Union Retirees; AFSCME Local 1600 Retirees; and AFSCME Local 1799 Retirees (EO 019- 025). Brown also modified a settlement agreement, from Ed Kurtz’s term as Emergency Financial Manager in 2002, with the United Retirement Governmental Employees (URGE) regarding prescription drug coverage.

URGE members filed a lawsuit against the EM. According the details presented in the case, *Welch v Brown* (2013), retirees would be required to pay an additional \$100 per person per month because of this change. (Welch v Brown, 2013). Changes to the retiree health care plans also shifted costs from the city to retirees, increasing retiree “deductibles from \$50 (\$100 per family) to \$1000, and increasing the co-pay maximum from \$1000 to \$2,500,” resulting in an estimated \$3.5 million a year in savings for the city (Welch v Brown, 2013).

In addition to modifying union collective bargaining agreements and modifying healthcare insurance coverage for current and former employees, the EM also eliminated the positions of 115 city employees and implemented a 20% salary reduction of the

remaining employees (*Welch v Brown*, 2013). The cuts to staffing levels, reduction in pay and healthcare costs “result[ed] in approximately \$20 million to be put toward deficit reduction.” (*Welch v Brown*, 2013).

Beyond the impact on city employees and retirees, the EM team simultaneously reduced municipal services and increased fees. In his deposition for the *Welch v Brown* (2013), Ambrose, Brown’s appointed Finance Director, noted,

It was necessary for [the EM team] to increase the fees for water and sewer rates by approximately \$15 million. It was necessary for [the team] to impose increased fees for garbage collection netting approximately one and a half million dollars. It was necessary for us to impose a street light assessment resulting in additional revenues of \$2.85 million.

Each homeowner was assessed the street light assessment fee, which increased each year, starting at \$66 in 2012 and increasing to nearly \$71 by 2014. The trash collection fee, which replaced a 3-mill waste collection tax, was \$143 per household.

Under Michigan’s municipal takeover law, the EM cannot raise taxes. Therefore, in addition to applying assessment fees that are applied to residents’ property taxes, Brown also proposed a 6-mill tax levy to fund police and fire. The millage, placed on the November 2012 ballot, increased property taxes to pay for “about 53 police and firefighters,” eliminating the city’s reliance on grants from foundations and the federal government (Longley, 2012d). Voters approved the millage, “bringing Flint’s total level to within 1 mill of its maximum 20 mill limit” (Ambrose, 2015, p. 3).

In addition to increasing costs, city residents experienced declines in the quality of services—especially with regard to their water. This was the result of the city’s planned move from Detroit Water and Sewer Department (DWSD) as their water source to the Karegnondi Water Authority (KWA) agreed to under Brown, a decision that led

Flint to switch to the Flint River as a temporary water source, approved under Kurtz on June 26, 2013. On April 25, 2014 the city of Flint officially switched over to the Flint River, which led to the debacle that is now the Flint Water Crisis.

In an effort to save \$5 million in less than two years (Wilson, 2016), the plan was implemented under Darnell Earley, who called the plan and its cost saving measures, “a ‘monumental change’ for the city” (as cited in Fonger, 2014a). The cost savings, however were not redistributed to residents, who continued to see their water rates increase and the quality of their water decline. After the switch, city officials were “flooded with complaints” (Fonger, 2014, May 23). More than a year later, during my stay in Flint, protestors held regular vigils outside of city hall holding containers of brownish, murky water that came from their tap. In the fall of 2015, the crisis finally made national attention, when Virginia Tech Professor Marc Edwards, at the request of Flint activists, conducted a study of Flint’s river water and reported high lead levels (see Flint Water Study, 2016). A few weeks later a second “whistleblower,” Dr. Mona Hanna-Attisha, a researcher at Hurley Medical Center in Flint, showed high blood lead levels in Flint children (Dixon, 2016).

As can be seen from the examples given, the municipal takeover of Flint has had real consequences in regard to the allocation of resources, both physical and intangible. Those close to the Emergency Manager and in-line with the development focus of the agenda, representing market forces, received increased access to benefits and those removed from or distant from formal power structures, the polis, were faced with decreasing access and increasing financial burdens. The above narrative highlights the ways in which the rationality project both framed the problem as economic and fiscal

instability; and thus responded with analyses, policy outcomes, and outside expert advice. To further explore the dichotomy of the market and the polis, the following section highlights the ways in which citizens and community organizations responded to each of the takeovers.

Community Responses to Municipal Takeover

As the preceding discussion of Flint's municipal takeover makes clear, the approach to resolving Flint's fiscal problems was guided by the "rationality project," i.e., determining the financial causes of city failure and fixing them, and where necessary, removing political obstacles. What this view of takeovers avoids is any meaningful acknowledgement of politics. In fact, if local politics are even discussed, it is as a cause of local fiscal distress. Basing the "success" of the takeover solely on fiscal and economic policy outcomes, ignored the perspective of the polis. In the section that follows, I rely on my interviews to provide that perspective.

Reflections on the 2002 Takeover. During the interviews conducted with community leaders over the summer of 2015, most respondents had little memory of specific actions undertaken by Ed Kurtz. One respondent, Shaun, however expressly remembered the closure of the city's community centers. Shaun was a volunteer and a tutor at the center when they closed in December 2002,

We had a self-esteem program for the girls. I got some of my friends together, and we paid for them to go on trips and stuff. Then all that stuff left because we got an Emergency Financial Manager, Ed Kurtz. One of the first things he does is he closes all the community centers. We have like one-hundred kids coming in a day to use this facility that was in a neighborhood right across from the public housing area and some apartments. It's like, we got this good thing going on. We got the kids involved, and it was like basically [ages] five to thirteen. We have these kids, and now they're just kind of scattered because they have no place to go. That was kind of like my first interaction [with municipal takeover]. I was like, "What the hell is going on with this?"

More often, however, community leaders remembered general elements of the 2002 takeover. Whether it was the limitations of the policy due to the inability of the Emergency Financial Manager to renegotiate debt or cancel contracts, or it was the loss of a job or a place to volunteer, community leaders tended to view PA 72 and the 2002 takeover in relationship to the 2011 takeover: it was shorter, the problem was bigger, and, as evidenced by the 2011 takeover, it wasn't successful in the long term.

When asked to compare the 2002 and 2011 takeovers Wilson, a former city employee and active member of the Flint community, stated,

Let me say this much. You're talking about apples and oranges. Number one, [in] 2002, you're talking about that was almost a \$37 million deficit. That was a real deficit. That was a real one. Compared to an \$8.5 million deficit, for which there really was only \$3-4 million of an actually general fund deficit. Back then [in 2002], you're talking about almost all of that was really general fund deficit. The two are not comparable. What I will say is, here's where the two are similar: back then it disenfranchised the people [and] all decisions were made unilaterally.

Some community members, however, were displeased with the intervention. Yet, as the following letter to the editor from the *Flint Journal* suggests, there was "no public outcry," much to the author's chagrin. In a scathing critique, Bela Jobb (2002) referred to the Manager as "führer Ed Kurtz" writing,

He is an appointee of the governor, who has the "power" to remove the representatives duly elected by the citizens of Flint if they don't agree and cooperate with him...Here is a man who is probably used to pulling down a six-figure salary as a desk jockey, telling our police and firefighters, who risk their lives in the performance of their jobs, the public works employees who risk their health and safety, and all the other city employees that they have it too good.

Jobb's long letter pointed to other problems with Kurtz. "Some may see him as having the courage to 'take the bull by the horns' and slash jobs or cut wages and benefits, but he's just behaving in true administrative fashion and taking the easy way out. It is much

easier to blame and cut the workforce, wages or benefits than it is to reduce waste, cut overhead, increase efficiency or do any number of other things to reduce costs.”

Jobb also held great contempt for city leaders, pointing to “poorly executed protest by City Council” and union leaders, noting that the announcement from Kurtz to “set aside and break union contracts ratified by both sides and replace them with ‘contracts’ of his own... should have produced a public protest from the head of every local of every union at least in the city of Flint, who should then have involved their respective regional or national offices.”

Jobb’s opinions were also held by others. Another local resident and city employee, McPhail (2002), writing to the *Flint Journal*, noted his frustration with Kurtz’s lack of engagement with employees was a slight to union workers. After pointing out that “Any management textbook or study of successful private enterprise firms will clearly tell you to ask the front-line lower level people actually doing the work how they would improve things,” he noted that both General Motors and the “supposedly inefficient U.S. military” paid attention to suggestions from those with experience. But he continued, “Never once in my 10 years as a Flint employee has any member of management ever asked my opinion or a co-worker's opinion about how to reduce waste, cut inefficiency, or boost output.” McPhail suggested that rather than hire “an outside efficiency expert to come in and ‘find the waste,’” he should “have a candid 10-minute meeting with one or two ‘real people,’ such as a firefighter, waste collector, meter reader, or City Hall clerk, and really listen to them, they'd tell him honestly and truthfully where the waste is.”

Reflections of the 2011 Takeover. While the 2002 drew little response, the 2011 takeover was met with a range of emotions. Some community members were supportive

of the takeover strategy, while others took to the streets to protest the “death of democracy.” Still others were ambivalent; concerned by the suspension of local democracy, but eager to have the state step in and offer support. My interviewees represented these three groups.

When asked about one of the key criticisms of the law, it being an “affront to democracy,” Morgan, a member of the Emergency Manager team, stated,

I never saw it as the end of democracy. I thought that was a ridiculous response. Michigan Home Rule Act allows the governor to have oversight and responsibility for the cities that are created under the Home Rule Act. The governor and the legislators who created PA 4 were directly elected.

Patrick, also a member of the Emergency Manager team, likened state intervention in municipal affairs to federal-state relations, noting “If a state is violating the law, the feds can step in.” Moreover, he argued that the state has an obligation to intervene:

In this case, the governor is elected by all the people of Michigan. The state has an obligation, whether it’s Flushing, Michigan, or Grand Blanc or Flint, to step in and say, “We’ve got to right the ship here.” To me, that’s part of democracy, too. If the statewide elected official is not doing his job or her job to manage the affairs of the state, then the people can act on that. I think again, one can say that democracy was taken away from folks, but I think the way the system works in this country is you have different levels of government, and different levels of democratic involvement.

It is important to note, however, that most supporters recognized the cost placed on city residents and employees. Keith, a member of the Emergency Manager team, said that you cannot balance,

the financial problems of the city without affecting the employed and retiring. Now is that because of the Emergency Manager or is that because if a situation that arose that required Emergency Manager be there. It’s clear the Emergency Manager coming in has to make those decisions. Those decisions are not academic they’re real decisions that really affect people. ... I mean it’s necessary for survival for the city... That the employees lose—one can argue the employees lose, because the government structure failed.

Keith then drew on comparisons to the private sector where he commented that when businesses go bankrupt, “employees get laid off.” Implying that employees go elsewhere, he continued, “if a city goes bankrupt, guess what [?] The city is still there. [People are still there]. What do you do with them?”

Keith’s conclusions were particularly insightful about the effects of long-term intervention. He added:

There’s clearly a process in place for evaluating whether the city is in financial distress. There are numerous steps along the way for local governments to convince the state that they’ve got it, they understand. Failing that, an emergency manager can come in. [But] if [the intervention] *becomes long term then, local government goes away.* (Emphasis added)

Keith’s sentiments regarding the value of state intervention were echoed by Jeffrey, a former elected official, who noted that the takeover was needed to “take the politics out” of the decisions making process:

The first Emergency Manager [Michael Brown] tried to give the appearance that he was getting input from the community and that sort of thing, but I think when it boiled down he didn't really give two rips about what the community thought. He was going to come in and make those decisions, which is what the law gives him the authority to do. It is what it is. He had the authority to do it. He needed to come in and make those decisions. Maybe one of the good things about the law is it allowed him to take the politics out of those decisions and just come in and do what he thought was right for the community. I guess one of the bad things was too is that sometimes the community does know what's best for the community and I don't think that they always paid attention to that.

Martin, a local nonprofit leader, also was of the “something needed to be done” mindset. He noted,

It's a very unpopular opinion but I actually feel like having an Emergency Manager here was necessary because the politics are so bad in Flint that you couldn't make things happen. You couldn't make real change happen unless you were a part of whatever that group was that was running things at that particular time. With the Emergency Financial Manager in place, they kind of dictate, "Well, you're going to do X, Y or Z despite who got appointed where to do what job. This is the way it's going to be." That helps to break that cycle a little bit. Yes, it's true. It is

disenfranchising people. I understand that part totally and philosophically, I can agree with that position. I also know how dysfunctional [the] city was.

Flint's political dysfunction, however, was no excuse, opponents argued, for appointing an Emergency Manager. As Jeffrey alluded, most people saw the Emergency Managers' outreach efforts as a charade. Carl, another former elected official, stated, "I think there were concerns that there was the appearance of citizen involvement but that it wasn't tied to a decision making process."

In response to hearing that the city council would not appeal the appointment of an Emergency Manager, Shariff, a vocal opponent of the Emergency Manager law, noted "I feel like Flint is the bastion of civil rights... We have a legacy that we need to protect and what happened tonight is not in alignment with that legacy. Why roll over and play dead and give up your power?" (as cited in AlHajal, 2011)

Later, in a 2014 op-ed in the *People's Tribune*, Shariff (2014), who co-founded of the Democracy Defense League further stated,

Democracy doesn't work without transparency and accountability. So the first thing that the Emergency Manager did was get rid of Flint's ombudsman, even though the Charter [that] Walling talked about requires the ombudsman. Judge Damon Keith said, "Democracies die behind closed doors." The new emergency manger's Blue Ribbon Committee meets behind closed doors, planning Flint's future in secret. The mayor doesn't care about the charter's open meeting requirements, and his own city attorney, one of the few employees the Emergency Manager kept on, says that Flint's residents don't have any right to be in those closed door meetings. So much for democracy

As Gross (2016) pointed out, "... much of the narrative surrounding the water switch [and KWA] has to do with austerity and cutting costs" (Gross, 2016). In fact, most of the narrative about municipal takeover has been about austerity. Aaron, a former member of one of Flint's community boards and long-time resident, reiterated concerns that Flint's takeover emphasized austerity measures at the expense of the community:

An emergency manager's [job] is to balance the books. It's not to put in place a long term plan that will result in rebuilding the fundamentals that are necessary to maintain a livable community. It really doesn't matter how good the person is, because they're not in a position ... to coordinate all the information, it's too high cost to gather all that information at the lowest level... It's austerity, and austerity is a mistake. You don't disinvest in a place that has problems, you invest in a place that's having problems. When you disinvest you undercut the obvious things that make a place worth living in.

Skeptical of the city's development agenda, Brenda, a local nonprofit leader stated that the takeover highlighted that local leaders "don't put a lot of stock in the people that are here and [don't] invest in the people that are here," adding, "People have to matter more than money." Much of the skepticism came from having sat in meetings with decision makers, hearing them make statements like, "'We're going to go for the easy wins. We're going to go for the easy victories. Dealing with the north side of Flint and east side of Flint is not an easy win. It's not an easy victory so we're not going to deal with that'."

A few of the interviewees noted that their initial suspicion was that the takeover was politically motivated. For example, after reviewing the financial information on the city, Aaron, noted, "there were problems there, but ...it was not enough to justify this," so his suspicion was, "it was a conservative state government doing the kind of thing it does to pull the teeth of places that don't vote for Republicans."

Casey, a local nonprofit leader and community activists added, "I guess the bottom line is that most folks really felt they were stripped of any influence on the major choices for the city."

Shifts in the Political System. The policy paradox framework emphasizes the importance and value of how messages are portrayed and interpreted. The rationality project, for example, emphasizes numbers and measurable outcomes. While some, predominantly supporters of the policy, focus on getting the local government's "fiscal

house in order,” others see the policy as balancing the books on the backs of citizens (Niquette, 2013). Community members who felt excluded or threatened by the takeover, whether or not they were in actuality harmed, was an important mechanism for changing the local political system. Here I explore how Flint’s local political system, through grassroots organizing by local organizations and coalitions, was altered under municipal takeover. While I provide multiple examples, I focus primarily on the rise of the Democracy Defense League (DDL) as a major player in working to organize political opposition to Flint’s Emergency Managers.

When it comes to whether the takeover changed political participation, one of my interviewees, Bill, suggested, that “it may have changed the discourse around local politics. I don't know if it actually changed the way they've engaged,” adding, “if you look at voting records, there isn’t a huge uptick or down swing one way or another.” Bill added, the “rhetoric” on issues of “disenfranchisement” had been at the forefront of this discourse.

In one instance, responding to the elimination of the Citizen’s Advisory Councils, a groups of citizens “led by Concerned Pastors for Social Action and the North Flint Reinvestment Corporation” organized a “prayer protest” and “civil rights rally” and presented the Emergency Manager team with a list of “desired outcomes:”

- A reduction in water bill rates. They are asking the EFM to initiate a forensic audit of the water and sewer funds and to give appropriate rebates to citizens based on the findings.
- Reallocation of the \$750,000 CDBG designated for Genesee Towers to demolish projects in the highest priority areas of greatest need (Ward 1; census tracts 2 and 4 and Ward 3; census tracts 17 and 18).
- Commit to an equitable allocation of NSP3 dollars from Smith Village to areas of greater priority based on program eligible uses guidelines per *Title III, Division B of the Housing and Economic Recovery Act of 2008*.

- Commit to an equitable allocation of future disbursement of Community Development Block Grant (CDBG) and Neighborhood Stabilization Plan resources to the highest priority areas of greatest need.
- Commitment from the city of Flint to fund infrastructure upgrades and repairs in the north Flint area.
- Termination of allocation of city funds to Genesee Regional Chamber of Commerce in light of organization's consistent failure to utilize its resources and intentional energies to spur business and economic development initiatives beyond downtown.
- Reinstate the Citizen's District Councils (a conduit for allocation of CDBG funding and voice of the residents).
- Revocation of the prior order regarding public safety millage. Refocus on legislative support to increase/equalize income tax for outside of Flint wage earners (Keller, 2012).

There were many already established organizations in Flint, well positioned to address concerns regarding the takeover. However, many were slow to respond. This was perceived by citizens as being the result of their long-standing involvement with formal governing powers. While opposition to the municipal takeover did not necessarily bring new individuals to the table, it created a space for those individuals to organize new groups and form a new coalitions to address citizens' concerns.

New Pathways for Engagement. Given the changes in points of access, the reallocation of resource burdens, the symbolic effects, namely the threat to democracy and strongly held belief in the sanctity of voting rights and self-governance, a new organization emerged. The Flint Democracy Defense League (DDL) is a grassroots community-based organization that developed in response to the implementation of the state-appointed Emergency Manager in 2011. As one of the organizers noted in an interview, the group really developed out of a number of different movement-based efforts, most importantly the Occupy movement. At the time of the takeover, there were two major community organizing entities in Flint: Concerned Pastors for Social Action

and the then-named Flint Area Congregations Together (FACT, a PICO-affiliated³⁰ organization). Both of these organizations, however, were faith-based, and as one community organizer indicated, “We didn’t have any [secular] left wing organizations to be the watchdog to raise the red flag over this stuff.”

The Democracy Defense League is not formalized or incorporated; instead it functions on a volunteer basis, holding semi-regular meetings and sponsoring and/or attending organized protests. As one member of the organization put it on their Facebook page, “We don’t do hierarchies; we are all members.” And, as an organization, its membership “ebbs and flows.” Currently, the organization has 81 followers in their closed-group Facebook page, but the majority of the group’s work is carried out by a core group of 4-6 people.

The group, made up of committed community organizers and residents, sought to build or join coalitions aimed at overturning municipal takeover and addressing what they viewed as an “affront to democracy.” For example, they joined forces with Stand Up for Democracy, the organization that led the state-wide ballot initiative to repeal Michigan’s Emergency Manager Law,³¹ by knocking on doors and collecting signatures. PA 4 was repealed by referendum, due in part to the efforts of Flint’s Democracy Defense League and their efforts to educate voters, gather signatures, and create a public outcry (MLive Staff, 2012). However, after PA 4 was successfully repealed and PA 436 was signed into law just months later; striking a blow to the organization.

³⁰ PICO is a national network of faith-based community organizations. More about the network can be found at their website: <http://www.piconetwork.org/about>

³¹ The group that worked in opposition to Stand Up for Democracy, and in support of Michigan’s Emergency Manager law is called “Citizens for Fiscal Responsibility,” established by the long-time head of Michigan Chamber of Commerce’s political action group (Smith & Pluta, 2012).

Regardless, the organization kept meeting. In April 2014, when Flint's (third) Emergency Manager Darnell Earley ordered that the Flint water be switched from Detroit's Lake Huron water source to the less expensive Flint River water, the organization again coalesced around the action of the EM. The Democracy Defense League launched a water bottle distribution program and developed a Water Task Force, when the switch led to concerns over the quality of the water (Fonger, 2015). One of the organizers interviewed stated "it was our role to tie this issue, the current problem with the water, to the Emergency Manager."

The organization has allied with numerous local, regional, and state-wide organizations over its short life-time, including Detroiters Resisting Emergency Management, ACLU of Michigan, Water You Fighting For?, and Concerned Pastors for Social Action, and in some instances FACT and Flint Neighborhoods United, around the opposition to emergency management and related policies.

While members of the DDL did not have access to formal governing power, they established a legitimate voice in the Flint community and in the state at-large. For example, the organization and its members have been recognized by both the Michigan ACLU and Michigan NOW for their efforts to call attention to and create action on Flint's takeover and water crisis. Due to this recognition, a representative from the organization was invited to sit on the city's Water Advisory Committee.

New pathways to power have been created and utilized to undermine the inherent lack of democracy under takeovers and to ameliorate the symbolic effects of the perceived threat to democracy. In other words, creating new groups to organize citizens has helped the citizens of Flint regain of the power taken from them during the takeover.

In the context of this study, what the example of the DDL shows is that municipal takeover, regardless of perception, does not necessarily spell the “death of democracy,” but it does suggest a redefinition of it. Democratic participation in Flint is far from dead and its citizens are far from apathetic. Instead, they sought new pathways to gain access and voice in the political system.

Chapter 6. Conclusions: Summary Findings, Implications, and Recommendations

Municipal takeover policies claim to eschew politics. These policies, which rest on the principle that local government is broken, suspend local democracy in an attempt to fix local fiscal problems. Fear of municipal bankruptcy, economic contagion, and credit downgrades are among the most common motivations for intervening in local municipal affairs. In this way, they are quintessentially representative of Stone's (2012) policy paradox, wherein market thinking and solutions are privileged over the polis, yet have important political consequences. Proponents of municipal takeover seek expediency, efficiency, and fiscal stability, the hallmarks of the "rationality project." Democracy, on the other hand, is messy and politics is complex.

Despite politician's claims to the contrary, this study makes clear that municipal takeovers are political, and have significant political consequences at the local level. By taking an in-depth, policy-focused look at the municipal takeovers in Flint, Michigan, I found that the state's intervention not only suspended the authority of local elected officials in the short-term, but reshaped the local political landscape. Some community interests gained influence, while others lost influence. And still others sought new ways to engage in the political system through political protest and community organizing.

The implementation of the policy, by a series of state-appointed managers, interrupted politics-as-usual. While some argued that municipal takeovers are only temporary, thus implying that the political impact too is only temporary, the tools and strategies utilized by the emergency-managers are political. To borrow from Lasswell's (1936) phraseology: municipal takeovers determine "who gets what, when, [and] how."

A constructivist-institutionalist approach was adopted for this research project. Drawing on the rich theoretical contributions of policy feedback theory and social construction theory, I identify both instrumental and symbolic effects for political participation, and the dynamics through which those feedback effects operated. Under a series of state-appointed managers, more than one hundred executive orders, resolutions and directives were implemented. These directives included, among other things, shuttering city offices, laying off employees, restructuring collective bargaining agreements, selling city assets, and increasing fees. Cumulatively, these decisions reshaped the local political landscape by 1. Allocating resource benefits to some, while creating burdens for others, and 2. Restructuring local government, in some instances literally removing points of participatory access for city residents. In addition to these instrumental effects, the policy and subsequent implementation has a symbolic effect, which 3. Conveyed important messages to community stakeholders and residents about their value and position in the city. Together, the effects informed who participates in local politics in Flint, and by what means this can happen.

The policy history of municipal takeovers highlights the value-conflict between state intervention and local autonomy that has shaped the variation in state responses to local fiscal crises. These tensions, which serve as further exemplars of the policy paradox, underscore the historical development of municipal takeover policy across the country and in Michigan, in particular. In Michigan, the municipal takeover policy evolved over time, becoming more aggressive in its approach.

The Flint case was particularly powerful case for examining the impact of municipal takeovers. The city had also been placed under receivership and appointed an

Emergency Financial Manager in 2002. The powers of the Manager in 2002 were more limited than those provided to the emergency managers from 2011 through 2015; and thus, Flint's experience with municipal takeover in 2002 was decidedly different from the takeover in 2015. The second takeover granted much greater powers to the state-appointed manager in an attempt to straighten out Flint's fiscal situation. These increased powers target perceived drains on local resources, often aligned with conservative, neo-liberal politics. For example, in PA 4 and PA 436, emergency managers were given the authority to nullify collective bargaining agreements and modify pensions, which was advocated by Michigan's free-market think-tank, Mackinac Center for Public Policy (Hohman, 2011).

As I argue that the tools and strategies of the policy are important in both instrumental and symbolic ways, the comparison between the two takeovers is useful from an analytic perspective. However, most of the data collected, both in terms of documentary data, as well as interview data, focuses on the takeover between 2011 and 2015. Where, appropriate, however, I highlight how the 2002 takeover influenced both the strategy and the perception of the 2011 takeover.

With this project, I demonstrate that community stakeholders, such as the Chamber of Commerce, the Mott Foundation, as well as the Uptown family of corporations, benefited under municipal takeover. These organizations have deep roots in Flint and have long been involved in local politics (Highsmith, 2015; Young, 2013). However, under the municipal takeover, and with the appointment of Michael Brown, who had worked with and/or for executives at each of these institutions, these organizations were able to help shape the emergency manager's agenda, particularly as it

related to economic development. Tim Herman, the CEO of the Flint and Genesee Chamber of Commerce for example, was appointed to the EM's citizen advisory council.

However, unlike in Camden, NJ (see Harris, 2016), the new “development” regime put in place during the municipal takeover was not sustained. While Flint undemocratically altered access to existing institutions of power and provided a small group of people – those aligned with development agenda – access to decision making under the municipal takeover, it also isolated or excluded important players and stakeholders, including the unions and black political leaders, as well as the general public from meaningful engagement in public deliberation. As a result, through both instrumental and symbolic effects, those groups slowly formed a political coalition that served to undermine the goals and strategies of the development agenda and the emergency manger.

Those opposed to the takeover, including the unions, Black political leaders and activists groups, as well as the newly formed Democracy Defense League, played an important role in the Stand Up for Democracy campaign to overturn PA 4. However, evidence of their longer term impact can be seen in their efforts to address and call attention to the Flint Water Crisis long before it captured the attention of the nation, making room for later whistleblowers to come forward. The members of the Democracy Defense League and the Water Warriors have been honored for their efforts by numerous state-wide organizations including the Michigan National Organization for Women and the Michigan ACLU, as well as called to testify on the crisis at the state and national level.

Implications

The financial crisis and takeover of Flint draws our attention to ongoing conflicts in how we respond to urban fiscal crises. Is fiscal stability to be pursued at the expense of social equity, balancing budgets at the expense of helping people who live in a troubled city? Moreover, Flint is hardly alone. Local governments across the United States are caught between increasing costs and shrinking revenues, what Drier, Mollenkopf, Swanstrom (2001) refer to as the “iron cage of municipal finance” (p. 154). From city to city, the proximate causes vary from loss of state revenues to rising costs for public services and underfunded public pensions, to outright fiscal mismanagement. But the difficulties are similar and hit poor, minority communities hardest, creating acute dilemmas of social equity.

When policies are put in place with a narrow focus on the fiscal bottom line, the potential social and political impact is often overlooked. The consequences of isolating local elected officials and community residents from public policy decisions that directly and indirectly affected them have long term consequences. Opponents organize opposition and file lawsuits, and residents express distrust and anger with local and state government.

Additionally, the impact of the municipal takeover in Flint has broader implications, as other states are poised to strengthen their municipal takeover policy (e.g. New Jersey) or adopt municipal takeover legislation (e.g. Wisconsin). (See Ungar, 2011; Conaway, 2013).

Consequences of Municipal Makeover:

- Redistributed and consolidated power. The beneficiaries of municipal takeover, in most instances, are not the residents who, for example might see their water bills

rise or their land taken by eminent domain, but a handful of prominent local elites. As such, part of the city's restructuring, done under the auspices of municipal takeover, has served to redistribute and consolidate power of the local governing regime.

- Less access among residents to key decisions makers, even after the municipal takeover is lifted. In Flint, Michigan, for example, the state-appointed manager eliminated the Office of the Ombudsman and citizen's advisory boards and temporarily suspended public comment at city council meetings.
- Anger, resentment, and distrust of local government. Municipal takeovers have been called the "death of democracy," highlighting the importance we as a nation, place on local representative democracy.
- Increased racial tensions. The process of temporarily suspending the decision making powers of local elected officials, in the name of "getting things done," also has a symbolic impact that is racially charged. In 2013 in the state of Michigan, nearly half of the state's African American population lived in cities under state control. The suspension of their duly elected local officials is seen by many as affront to their hard-won civil rights, their voting rights.
- Only short-term fiscal stability. By definition, the city is not released for municipal takeover until it is financially stable. However, even with draconian measures, some cities wind up filing for municipal bankruptcy, like Detroit, MI; end up back in receivership years later, as was the case in Flint, MI; or continuing to request aid from the state to fill budget shortfalls, like in Camden, NJ.
- Threats to public health and well-being. Although a worst case scenario, the case of Flint and the Flint Water Crisis, highlight the damage that can be done when decisions are made based on budgetary concerns, without regard to the potential harm it can cause to residents.

Recommendations

In the case of municipal takeover, the burdens placed on residents outweigh the benefits of fiscal stability. However, my research, as well as that of other scholars, suggests that municipal fiscal emergency policies can be improved by placing greater emphasis on social equity. First, eliminate the use of state-appointed managers. Giving sole authority to an unelected, state-appointed manager fosters resentment, anger, and distrust on behalf of many of community residents. In my own research, I found that

residents who opposed municipal takeover were not apathetic, but instead organized strong opposition. In Michigan, for example, they organized a state-wide ballot initiative to repeal the emergency manager law. In Flint, in particular, community activists were fundamental to bringing to light the Flint Water Crisis.

Secondly, the tools currently in use for emergency management must be modified. Municipal takeovers are most often implemented in cities on the verge of municipal bankruptcy. Typically these cities, like East St. Louis, IL or Camden, NJ, have high unemployment and poverty rates and have experienced years of economic disinvestment. These cities therefore have high demand for services, but low property and income tax revenue to support these demands (Berman, 2003). Most scholars and community residents would agree that municipal bankruptcy should be avoided, and that the social and economic problems plaguing the city must be addressed. However, the tools and strategies provided for under municipal takeover policy emphasize budgets. To put the so called “fiscal house back in order” often requires draconian cuts to resources and services and often does little to address structural causes of problems, such as high unemployment and poverty, population decline, crime, or failing schools (Berman, 2003; Sapotinic et al., 2016). Moreover, these cuts are done under the auspices of an unelected state-appointed official, which undermines our strongly held beliefs regarding democracy, popular sovereignty, and local control. The policy tool-box, so to speak, should be re-tooled, to focus on prevention by addressing the root causes of the cities’ fiscal crises. In Michigan, this can be done, in part, by amending the state’s revenue-sharing structure or removing limitations on local government taxation powers. In other words, we need to focus on a prevention model, rather than an emergency model.

Most importantly, policies should be designed to foster democracy not undermine it. Community representatives should have an active role in addressing the fiscal concerns of the city. There are existing models—adopted in other cities, including post-bankruptcy Vallejo, CA— that are founded on the principle of “empowered democracy” (Fung, 2004); programs such as participatory budgeting, which give citizens the power to identify community needs and allocate government funds accordingly. Such programs, though in their infancy in the United States, provide a model for fiscal decision making that seeks to increase trust in local government and foster a “renewed political culture in which citizens... serve as democratic agents” (Gilman, 2016, p. 7). While it can be challenging to fully incorporate all voices during a fiscal crisis—such programs provide evidence that there are ways in which local budgeting could be improved.

Democracy is messy, yes; but decreasing access to local decision makers increases distrust among residents and provides openings for local elites to control or shape the agenda. Putting measures in place to ameliorate this problem would go a long way toward diminishing the lack of access to local power. In other words, deliberation and inclusion are essential to making laws aimed at addressing fiscal crises more socially equitable.

Appendices 1: Relevant State Statutes

State	State Statutes
CT	Connecticut deals with fiscal distress in an ad hoc manner; four special acts have been enacted to address local fiscal emergencies in the state: LCO 4532 (Waterbury); SA 92-5 (West Haven); SA 88-80, 89-23, 89-47, 90-31, 91-40 (Bridgeport); and SA 93-4 (Jewett City)
FL	Florida Statutes, Ch. 218 § 503, Financial Matters Pertaining to Political Subdivisions.
IL	Illinois Municipal Code 65 ILCS 5/Art. 8 Div. 12, Financially Distressed City Law. Illinois Municipal Code 50 ILCS 320/Art. 1, Local Government Financial Planning and Supervision Act.
IN	Indiana Code § 6-1.1-20.3, Distressed Political Subdivisions & Distressed Unit Appeal Board.
MA	Massachusetts deals with fiscal distress in an ad hoc manner, see MA Session Laws: Chapter 58 of the Acts of 2010 and Chapter 169 of the Acts of 2004.
ME	Maine, 30-A M.R.S.A. § 6101-6113, Municipal Finance Board.
MI	Michigan Public Act 72, Act MSA 141.937, Sec. 7. (a) 1988, Michigan Local Government Fiscal Responsibility. Michigan Public Act 4, MSA 5.2771 et seq (2011), Local Government and School District Fiscal Accountability Act. Michigan Public Act 436 of 2012, Local Financial Stability and Choice Act.
NH	New Hampshire, N.H. Rev. Stat. § 13:1 through 13:7.
NJ	New Jersey, N.J.S.A. 52:27D-118.24 to 118.31, Special Municipal Aid Act. New Jersey, R.S. 52:27-1 to R.S. 52:27-66, Municipal Finance Commission. New Jersey Local Government Supervision Act, Title 40, Municipalities and Counties. New Jersey Revised Statutes 52:27BBB and 52:27BB, Municipal Rehabilitation and Economic Recovery Act
NM	New Mexico Audit Act, N.M.S.A. 1978, § 12-6-1 through 12-6-14 and N.M.S.A. 1978, § 6-1-1 through § 6-1-13, § 10-5-2, and § 10-5-8.
NC	North Carolina Statutes 159.1–159-180.
NV	Nevada, N.R.S. 354.655 through 354.725. Nevada Revised Statutes 354.655 to 354.725, Local Government Budget and Finance Act.
NY	NY Unconsolidated Law Ch. 22 § 5, New York State Financial Emergency Act for the City of New York. New York deals with fiscal distress in an ad hoc manner. New legislation is passed for each municipality to establish an emergency financial control board.

OH	Ohio Revised Code Chapter 118, 133, 34, and 375.49, Local Fiscal Emergencies. Note, if a fiscal emergency is declared, a Financial Planning and Supervision Commission is formed for each distressed locality, or the state auditor becomes the financial supervisor if the locality has fewer than 1,000 people.
OR	Oregon, O.R.S. § 203.095-100 and § 287A.630.
PA	Pennsylvania, PA ST 53 P.S. § 11701.101-712, Municipalities Financial Recovery Act and Intergovernmental Cooperation Authority Act.
RI	Rhode Island Statutes, Title 45, Ch. 45-9, Budget Commissions.
TN	<p>Tennessee State Code Title 9, Chapter 13, Part 2, Emergency Financial Aid to Local Government, Law of 1995.</p> <p>Tennessee, T.C.A. § 9-13-301 to 302, Financially Distressed Municipalities, Counties, Utility Districts and Education Agencies Act of 1993</p> <p>Tennessee, T.C.A. § 9-21-403, Local Government Public Obligations Act.</p>
TX	Texas Local Government Code § 101.006, Receivership for Payment of Debts. Note: Municipalities that cannot pay their debts can voluntarily request that a receiver be appointed (a court-appointed receiver).

Appendix 2: Interview Guide

Prior to beginning the interview, I will ensure that the following items are addressed with each informant:

- Personal introduction
- Introduction of the study
- Objectives of the study
- Goal: understand how municipal takeovers change local democracy, including how and by whom the city is governed and how community members engage in local politics
- Define municipal takeover, other terms include “emergency manager” “Emergency Financial Manager”
- Describe Flint’s municipal takeover history and identify key stakeholders
- Identify and explain changes in local governing arrangements as they relate to the municipal takeover
- Uncover the benefits and the burdens related to the implementation of the takeover
- Understand how community members feel about the takeover and their role in local governance (local democracy)
- Consent to participate and consent to record
- Questions and assurances

Interview Questions:

Part 1: Personal Background and Organizational Affiliation

1. Do you live or work in Flint? Tell me about your relationship with the city?
 - a. [prompt] What neighborhood do you live in?
2. What [other] local community-based activities or organizations are you involved with?

Part 2: Politics, Personal politics:

3. Are you involved in local politics? If so, how would you describe your role?
 - a. [prompt] Do you vote in local elections? Do you attend local city council meetings? Why or why not? Do you attend other types of local government meetings, such as planning meetings? Have you ever attended a local protest? If so, what was it for? How do you communicate with local elected officials? [Why or Why not?]

Part 2: Politics, Flint Politics:

4. How would you describe Flint politics?

- a. [prompt] Who makes the decisions in local government? individuals or organizations?
- 5. How has Flint's political environment changed over the years? [since you have lived here?]

Part 3: Municipal Takeover

- 6. Flint's first municipal takeover and first appointed emergency financial manager was in 2002.
 - a. What was your initial reaction? [prompt] were you supportive or opposed?
 - b. How did people respond to the first emergency financial manager in 2002?
 - c. What were some of the changes made under the first emergency financial manager, Ed Kurtz?
 - i. In your opinion, was the first EFM effective? Why or why not?
- 7. Flint was placed under state receivership again in 2011. What was your reaction? [prompt: was it different than the 2002 takeover? If so, how?]

[Excluding EMs]:

- 8. Since 2011, there have been a series of emergency financial managers, I am going to ask you about their leadership, the changes they made and your assessment of their effectiveness for each of them:
 - a. Michael Brown
 - b. Ed Kurtz
 - c. Darnell Earley
 - d. Jerry Ambrose
- 9. How were you [and/or your organization/agency] impacted by the changes made by the most recent municipal takeover (2011-2015)?
 - a. How often and in what context did you communicate with the emergency managers when they were serving? [prompt: personal communication or on behalf of organization/ agency?]
 - b. [prompt] Describe your organization's relationship with the emergency managers.
- 10. [if not addressed above] During the municipal takeover, the emergency manager superseded the powers of elected officials. However, elections were still held.
 - a. Did you vote during these elections? Will you vote in the upcoming local elections [post- takeover]? [if appropriate: why did you continue to vote?]
 - b. Did you attend city council meetings or other city government meetings during the takeover?
 - c. Did you attend any public meetings or protests during the takeover?
- 11. Is there anything else that you would like to add?

[EFM only]:

- 12. How did you prepare for the appointment? [prompt: did you meet with local elected officials, state officials, residents?]

13. What were your goals- what did you hope to accomplish- as EFM?
14. What were some of the major changes that you initiated as EFM? How did you make those decisions?

[Local Elected Officials Only]:

15. When the EFM was appointed, what was your what position did you hold?
16. What was your reaction to the municipal takeover?
 - a. [if appropriate] How did your work/ position change when the EFM was appointed
17. How often and in what context did you communicate with the emergency managers when they were serving?

[All]:

18. PA 4 was repealed by referendum in November 2013. Why do you think people supported overturning PA 4?
19. Describe two or three of the most important decisions [changes] made during the municipal takeover.
 - a. [prompt] How and by whom were the decisions made?
 - b. What role did you [or your organization] play in the decision making process?
20. In your view, who were the winners and losers in the takeover?

Thank you.

Appendix 3: Actions Allowable under Municipal Takeover in Michigan, 1990-2012

PA 72 of 1990	PA 4 of 2011	PA 436 of 2012
<p>Sec. 21.</p> <p>(1) An emergency financial manager may take 1 or more of the following additional actions with respect to a unit of local government in which a financial emergency has been determined to exist:</p> <p>(a) Analyze factors and circumstances contributing to the financial condition of the unit of local government and recommend steps to be taken to correct the condition.</p> <p>(b) Amend, revise, approve, or disapprove the budget of the unit of local government, and limit the total amount appropriated or expended during the balance of the financial emergency.</p> <p>(c) Require and approve or disapprove, or amend or revise a plan for paying all outstanding obligations of the unit of local government.</p> <p>(d) Require and prescribe the form of special reports to be made by the finance officer of the unit of local government to its governing body, the creditors of the unit of local government, the emergency financial manager, or the public.</p> <p>(e) Examine all records and books of account, and require under the procedures of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, or 1919 PA 71, MCL 21.41 to 21.55, or both, the attendance of witnesses and the production of books, papers, contracts, and other documents relevant to an analysis of the financial condition of the unit of local government.</p> <p>(f) Make, approve, or disapprove any appropriation, contract, expenditure, or loan, the creation of any new position, or the filling of any vacancy in a permanent</p>	<p>Sec. 19.</p> <p>(1) An emergency manager may take 1 or more of the following additional actions with respect to a local government which is in receivership, notwithstanding any charter provision to the contrary:</p> <p>(a) Analyze factors and circumstances contributing to the financial emergency of the local government and initiate steps to correct the condition.</p> <p>(b) Amend, revise, approve, or disapprove the budget of the local government, and limit the total amount appropriated or expended.</p> <p>(c) Receive and disburse on behalf of the local government all federal, state, and local funds earmarked for the local government. These funds may include, but are not limited to, funds for specific programs and the retirement of debt.</p> <p>(d) Require and approve or disapprove, or amend or revise a plan for paying all outstanding obligations of the local government.</p> <p>(e) Require and prescribe the form of special reports to be made by the finance officer of the local government to its governing body, the creditors of the local government, the emergency manager, or the public.</p> <p>(f) Examine all records and books of account, and require under the procedures of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, or 1919 PA 71, MCL 21.41 to 21.55, or both, the attendance of witnesses and the production of books, papers, contracts, and other documents relevant to an analysis of the financial condition of the local government.</p>	<p>Sec. 12.</p> <p>(1) An emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary:</p> <p>(a) Analyze factors and circumstances contributing to the financial emergency of the local government and initiate steps to correct the condition.</p> <p>(b) Amend, revise, approve, or disapprove the budget of the local government, and limit the total amount appropriated or expended.</p> <p>(c) Receive and disburse on behalf of the local government all federal, state, and local funds earmarked for the local government. These funds may include, but are not limited to, funds for specific programs and the retirement of debt.</p> <p>(d) Require and approve or disapprove, or amend or revise, a plan for paying all outstanding obligations of the local government.</p> <p>(e) Require and prescribe the form of special reports to be made by the finance officer of the local government to its governing body, the creditors of the local government, the emergency manager, or the public.</p> <p>(f) Examine all records and books of account, and require under the procedures of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, or 1919 PA 71, MCL 21.41 to 21.55, or both, the attendance of witnesses and the production of books, papers, contracts, and other documents relevant to an analysis of the financial</p>

<p>position by any appointing authority.</p> <p>(g) Review payrolls or other claims against the unit of local government before payment.</p> <p>(h) Exercise all of the authority of the unit of local government to renegotiate existing labor contracts and act as an agent of the unit of local government in collective bargaining with employees or representatives and approve any contract or agreement.</p> <p>(i) Notwithstanding the provisions of any charter to the contrary, consolidate departments of the unit of local government or transfer functions from 1 department to another and to appoint, supervise, and, at his or her discretion, remove heads of departments other than elected officials, the clerk of the unit of local government, and any ombudsman position in the unit of local government.</p> <p>(j) Employ or contract for, at the expense of the unit of local government and with the approval of the local emergency financial assistance loan board, auditors and other technical personnel considered necessary to implement this article. (k) Require compliance with the orders of the emergency financial manager by court action if necessary.</p> <p>(l) Except as restricted by charter or otherwise, sell or otherwise use the assets of the unit of local government to meet past or current obligations, provided the use of assets for this purpose does not endanger the public health, safety, or welfare of residents of the unit of local government.</p> <p>(m) Apply for a loan from the state on behalf of the unit of local government, subject to the conditions of the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, in a sufficient amount to pay the expenses of the emergency</p>	<p>(g) Make, approve, or disapprove any appropriation, contract, expenditure, or loan, the creation of any new position, or the filling of any vacancy in a position by any appointing authority.</p> <p>(h) Review payrolls or other claims against the local government before payment.</p> <p>(i) Notwithstanding any minimum staffing level requirement established by charter or contract, establish and implement staffing levels for the local government.</p> <p>(j) Reject, modify, or terminate 1 or more terms and conditions of an existing contract.</p> <p>(k) After meeting and conferring with the appropriate bargaining representative and, if in the emergency manager's sole discretion and judgment, a prompt and satisfactory resolution is unlikely to be obtained, reject, modify, or terminate 1 or more terms and conditions of an existing collective bargaining agreement. The rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement under this subdivision is a legitimate exercise of the state's sovereign powers if the emergency manager and state treasurer determine that all of the following conditions are satisfied:</p> <p>(i) The financial emergency in the local government has created a circumstance in which it is reasonable and necessary for the state to intercede to serve a significant and legitimate public purpose.</p> <p>(ii) Any plan involving the rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement is reasonable and necessary to deal with a broad, generalized economic problem.</p>	<p>condition of the local government.</p> <p>(g) Make, approve, or disapprove any appropriation, contract, expenditure, or loan, the creation of any new position, or the filling of any vacancy in a position by any appointing authority.</p> <p>(h) Review payrolls or other claims against the local government before payment.</p> <p>(i) Notwithstanding any minimum staffing level requirement established by charter or contract, establish and implement staffing levels for the local government.</p> <p>(j) Reject, modify, or terminate 1 or more terms and conditions of an existing contract.</p> <p>(k) Subject to section 19, after meeting and conferring with the appropriate bargaining representative and, if in the emergency manager's sole discretion and judgment, a prompt and satisfactory resolution is unlikely to be obtained, reject, modify, or terminate 1 or more terms and conditions of an existing collective bargaining agreement. The rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement under this subdivision is a legitimate exercise of the state's sovereign powers if the emergency manager and state treasurer determine that all of the following conditions are satisfied:</p> <p>(i) The financial emergency in the local government has created a circumstance in which it is reasonable and necessary for the state to intercede to serve a significant and legitimate public purpose.</p> <p>(ii) Any plan involving the rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement</p>
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<p>financial manager and for other lawful purposes.</p> <p>(n) Approve or disapprove of the issuance of obligations of the unit of local government on behalf of the municipality, subject to the conditions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.</p> <p>(o) Enter into agreements with other units of local government for the provision of services.</p> <p>(p) Exercise the authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions affecting the financial condition of the unit of local government as provided in the following acts:</p> <p>(i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.</p> <p>(ii) The fourth class city act, 1895 PA 215, MCL 81.1 to 113.20.</p> <p>(iii) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.</p> <p>(iv) 1851 PA 156, MCL 46.1 to 46.32.</p> <p>(v) 1966 PA 293, MCL 45.501 to 45.521.</p> <p>(vi) The general law village act, 1895 PA 3, MCL 61.1 to 74.25.</p> <p>(vii) The home rule village act, 1909 PA 278, MCL 78.1 to 78.28.</p> <p>(q) Reduce, suspend, or eliminate the salary, or other compensation of the chief administrative officer and members of the governing body of the unit of local government during the financial emergency. This subdivision does not authorize an emergency financial manager to impair vested retirement benefits. If an emergency financial manager has reduced, suspended, or eliminated the salary or other compensation of the chief administrative officer and members of the governing body of a unit of local</p>	<p>(iii) Any plan involving the rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement is directly related to and designed to address the financial emergency for the benefit of the public as a whole.</p> <p>(iv) Any plan involving the rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement is temporary and does not target specific classes of employees.</p> <p>(l) Act as sole agent of the local government in collective bargaining with employees or representatives and approve any contract or agreement.</p> <p>(m) If a municipal government's pension fund is not actuarially funded at a level of 80% or more, according to the most recent governmental accounting standards board's applicable standards, at the time the most recent comprehensive annual financial report for the municipal government or its pension fund was due, the emergency manager may remove 1 or more of the serving trustees of the local pension board or, if the state treasurer appoints the emergency manager as the sole trustee of the local pension board, replace all the serving trustees of the local pension board. For the purpose of determining the pension fund level under this subdivision, the valuation shall exclude the net value of pension bonds or evidence of indebtedness. The annual actuarial valuation for the municipal government's pension fund shall use the actuarial accrued liabilities and the actuarial value of assets. If a pension fund uses the aggregate actuarial cost method or a method involving a frozen accrued liability, the retirement system actuary shall use the entry age normal actuarial cost</p>	<p>is reasonable and necessary to deal with a broad, generalized economic problem.</p> <p>(iii) Any plan involving the rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement is directly related to and designed to address the financial emergency for the benefit of the public as a whole.</p> <p>(iv) Any plan involving the rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement is temporary and does not target specific classes of employees.</p> <p>(l) Act as sole agent of the local government in collective bargaining with employees or representatives and approve any contract or agreement.</p> <p>(m) If a municipal government's pension fund is not actuarially funded at a level of 80% or more, according to the most recent governmental accounting standards board's applicable standards, at the time the most recent comprehensive annual financial report for the municipal government or its pension fund was due, the emergency manager may remove 1 or more of the serving trustees of the local pension board or, if the state treasurer appoints the emergency manager as the sole trustee of the local pension board, replace all the serving trustees of the local pension board. For the purpose of determining the pension fund level under this subdivision, the valuation shall exclude the net value of pension bonds or evidence of indebtedness. The annual actuarial valuation for the municipal government's pension fund shall use the actuarial accrued liabilities and the actuarial value of assets. If a pension fund uses the aggregate</p>
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<p>government before the effective date of the amendatory act that added this subdivision, the reduction, suspension, or elimination is valid to the same extent had it occurred after the effective date of the amendatory act that added this subdivision.</p> <p>(2) If a financial emergency exists under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, the emergency financial manager shall make a determination as to whether possible criminal conduct contributed to the financial emergency. If the manager determines that there is reason to believe that criminal conduct has occurred, the manager shall refer the matter to the attorney general and the local prosecuting attorney for investigation. The determination required under this subsection shall be made by 1 of the following dates, whichever is later:</p> <p>(a) Within 90 days after the effective date of the amendatory act that added this subsection.</p> <p>(b) Within 180 days after the date the emergency financial manager is appointed.</p> <p>(3) Not later than 90 days after the completion of the emergency financial manager's term, the governing body of the unit of local government shall review any ordinance implemented by the emergency financial manager during his or her term, except any ordinance enacted to assure the payment of principal and interest on bonds.</p>	<p>method. If the emergency manager serves as sole trustee of the local pension board, all of the following apply:</p> <p>(i) The emergency manager shall assume and exercise the authority and fiduciary responsibilities of the local pension board, including to the extent applicable, setting and approval of all actuarial assumptions for pension obligations of a municipal government to the local pension fund.</p> <p>(ii) The emergency manager shall fully comply with the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140m, and section 24 of article IX of the state constitution of 1963, and any actions taken shall be consistent with the pension fund's qualified plan status under the federal internal revenue code.</p> <p>(iii) The emergency manager shall not make changes to a local pension fund without identifying the changes and the costs and benefits associated with the changes and receiving the state treasurer's approval for the changes. If a change includes the transfer of funds from 1 pension fund to another pension fund, the valuation of the pension fund receiving the transfer must be actuarially funded at a level of 80% or more, according to the most recent governmental accounting standards board's applicable standards, at the time the most recent comprehensive annual financial report for the municipal government was due.</p> <p>(iv) The emergency manager's assumption and exercise of the authority and fiduciary responsibilities of the local pension board shall end not later than the termination of the receivership of the municipal government as provided in this act.</p>	<p>actuarial cost method or a method involving a frozen accrued liability, the retirement system actuary shall use the entry age normal actuarial cost method. If the emergency manager serves as sole trustee of the local pension board, all of the following apply:</p> <p>(i) The emergency manager shall assume and exercise the authority and fiduciary responsibilities of the local pension board including, to the extent applicable, setting and approval of all actuarial assumptions for pension obligations of a municipal government to the local pension fund. 12 ESB 865</p> <p>(ii) The emergency manager shall fully comply with the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140m, and section 24 of article IX of the state constitution of 1963, and any actions taken shall be consistent with the pension fund's qualified plan status under the federal internal revenue code.</p> <p>(iii) The emergency manager shall not make changes to a local pension fund without identifying the changes and the costs and benefits associated with the changes and receiving the state treasurer's approval for the changes. If a change includes the transfer of funds from 1 pension fund to another pension fund, the valuation of the pension fund receiving the transfer must be actuarially funded at a level of 80% or more, according to the most recent governmental accounting standards board's applicable standards, at the time the most recent comprehensive annual financial report for the municipal government was due.</p> <p>(iv) The emergency manager's assumption and exercise of the authority and</p>
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	<p>(n) Consolidate or eliminate departments of the local government or transfer functions from 1 department to another and appoint, supervise, and, at his or her discretion, remove administrators, including heads of departments other than elected officials.</p> <p>(o) Employ or contract for, at the expense of the local government and with the approval of the state financial authority, auditors and other technical personnel considered necessary to implement this act.</p> <p>(p) Retain 1 or more persons or firms, which may be an individual or firm selected from a list approved by the state treasurer, to perform the duties of a local inspector or a local auditor as described in this subdivision. The duties of a local inspector are to assure integrity, economy, efficiency, and effectiveness in the operations of the local government by conducting meaningful and accurate investigations and forensic audits, and to detect and deter waste, fraud, and abuse. At least annually, a report of the local inspector shall be submitted to the emergency manager, the state treasurer, and the superintendent of public instruction if the local government is a school district. The duties of a local auditor are to assure that internal controls over local government operations are designed and operating effectively to mitigate risks that hamper the achievement of the emergency manager's financial plan, assure that local government operations are effective and efficient, assure that financial information is accurate, reliable, and timely, comply with policies, regulations, and applicable laws, and assure assets are properly managed. At least annually, a report of the local auditor shall</p>	<p>fiduciary responsibilities of the local pension board shall end not later than the termination of the receivership of the municipal government as provided in this act.</p> <p>(n) Consolidate or eliminate departments of the local government or transfer functions from 1 department to another and appoint, supervise, and, at his or her discretion, remove administrators, including heads of departments other than elected officials.</p> <p>(o) Employ or contract for, at the expense of the local government and with the approval of the state financial authority, auditors and other technical personnel considered necessary to implement this act.</p> <p>(p) Retain 1 or more persons or firms, which may be an individual or firm selected from a list approved by the state treasurer, to perform the duties of a local inspector or a local auditor as described in this subdivision. The duties of a local inspector are to assure integrity, economy, efficiency, and effectiveness in the operations of the local government by conducting meaningful and accurate investigations and forensic audits, and to detect and deter waste, fraud, and abuse. At least annually, a report of the local inspector shall be submitted to the emergency manager, the state treasurer, the superintendent of public instruction if the local government is a school district, and each state senator and state representative who represents that local government. The annual report of the local inspector shall be posted on the local government's website within 7 days after the report is submitted. The duties of a local auditor are to assure that internal controls over local government</p>
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	<p>be submitted to the emergency manager, the state treasurer, and the superintendent of public instruction if the local government is a school district.</p> <p>(q) An emergency manager may initiate court proceedings in Ingham county circuit court in the name of the local government to enforce compliance with any of his or her orders or any constitutional or legislative mandates, or to restrain violations of any constitutional or legislative power of his or her orders.</p> <p>(r) If provided in the financial and operating plan, or otherwise with the prior written approval of the governor or his or her designee, sell, lease, convey, assign, or otherwise use or transfer the assets, liabilities, functions, or responsibilities of the local government, provided the use or transfer of assets, liabilities, functions, or responsibilities for this purpose does not endanger the health, safety, or welfare of residents of the local government or unconstitutionally impair a bond, note, security, or uncontested legal obligation of the local government.</p> <p>(s) Apply for a loan from the state on behalf of the local government, subject to the conditions of the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, in a sufficient amount to pay the expenses of the emergency manager and for other lawful purposes.</p> <p>(t) Order, as necessary, 1 or more millage elections for the local government consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, sections 6 and 25 through 34 of article IX of the state constitution of 1963, and any other applicable state law. A millage election ordered for a local government pursuant to this subdivision shall</p>	<p>operations are designed and operating effectively to mitigate risks that hamper the achievement of the emergency manager's financial plan, assure that local government operations are effective and efficient, assure that financial information is accurate, reliable, and timely, comply with policies, regulations, and applicable laws, and assure assets are properly managed. At least annually, a report of the local auditor shall be submitted to the emergency manager, the state treasurer, the superintendent of public instruction if the local government is a school district, and each state senator and state representative who represents that local government. The annual report of the local auditor shall be posted on the local government's website within 7 days after the report is submitted.</p> <p>(q) An emergency manager may initiate court proceedings in the Michigan court of claims or in the circuit court of the county in which the local government is located in the name of the local government to enforce compliance with any of his or her orders or any constitutional or legislative mandates, or to restrain violations of any constitutional or legislative power or his or her orders.</p> <p>(r) Subject to section 19, if provided in the financial and operating plan, or otherwise with the prior written approval of the governor or his or her designee, sell, lease, convey, assign, or otherwise use or transfer the assets, liabilities, functions, or responsibilities of the local government, provided the use or transfer of assets, liabilities, functions, or responsibilities for this purpose does not endanger the health, safety, or welfare of residents of the local government or</p>
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	<p>only be held at the general November election.</p> <p>(u) Authorize the borrowing of money by the local government as provided by law.</p> <p>(v) Approve or disapprove of the issuance of obligations of the local government on behalf of the local government under this subdivision. An election to approve or disapprove of the issuance of obligations of the local government pursuant to this subdivision shall only be held at the general November election.</p> <p>(w) Enter into agreements with creditors or other persons or entities for the payment of existing debts, including the settlement of claims by the creditors.</p> <p>(x) Enter into agreements with creditors or other persons or entities to restructure debt on terms, at rates of interest, and with security as shall be agreed among the parties, subject to approval by the state treasurer.</p> <p>(y) Enter into agreements with other local governments, public bodies, or entities for the provision of services, the joint exercise of powers, or the transfer of functions and responsibilities.</p> <p>(z) For municipal governments, enter into agreements with other units of municipal government to transfer property of the municipal government under 1984 PA 425, MCL 124.21 to 124.30, or as otherwise provided by law, subject to approval by the state treasurer.</p> <p>(aa) Enter into agreements with 1 or more other local governments or public bodies for the consolidation of services.</p> <p>(bb) For a city, village, or township, the emergency manager may recommend to the state boundary commission that the municipal government consolidate with 1 or more other municipal governments, if the emergency manager determines</p>	<p>unconstitutionally impair a bond, note, security, or uncontested legal obligation of the local government.</p> <p>(s) Apply for a loan from the state on behalf of the local government, subject to the conditions of the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942.</p> <p>(t) Order, as necessary, 1 or more millage elections for the local government consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, sections 6 and 25 through 34 of article IX of the state constitution of 1963, and any other applicable state law.</p> <p>(u) Subject to section 19, authorize the borrowing of money by the local government as provided by law.</p> <p>(v) Approve or disapprove of the issuance of obligations of the local government on behalf of the local government under this subdivision. An election to approve or disapprove of the issuance of obligations of the local government pursuant to this subdivision shall only be held at the general November election.</p> <p>(w) Enter into agreements with creditors or other persons or entities for the payment of existing debts, including the settlement of claims by the creditors.</p> <p>(x) Enter into agreements with creditors or other persons or entities to restructure debt on terms, at rates of interest, and with security as shall be agreed among the parties, subject to approval by the state treasurer.</p> <p>(y) Enter into agreements with other local governments, public bodies, or entities for the provision of services, the joint exercise of powers, or the transfer of functions and responsibilities. 13 ESB 865</p> <p>(z) For municipal governments, enter into agreements with other</p>
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	<p>that consolidation would materially alleviate the financial emergency of the municipal government and would not materially and adversely affect the financial situation of the government or governments with which the municipal government in receivership is consolidated. Consolidation under this subdivision shall proceed as provided by law.</p> <p>(cc) For municipal governments, with approval of the governor, disincorporate or dissolve the municipal government and assign its assets, debts, and liabilities as provided by law.</p> <p>(dd) Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government as provided in the following acts:</p> <p>(i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.</p> <p>(ii) The fourth class city act, 1895 PA 215, MCL 81.1 to 113.20.</p> <p>(iii) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.</p> <p>(iv) 1851 PA 156, MCL 46.1 to 46.32.</p> <p>(v) 1966 PA 293, MCL 45.501 to 45.521.</p> <p>(vi) The general law village act, 1895 PA 3, MCL 61.1 to 74.25.</p> <p>(vii) The home rule village act, 1909 PA 278, MCL 78.1 to 78.28.</p> <p>(viii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.</p> <p>(ix) 1979 PA 94, MCL 388.1601 to 388.1772.</p> <p>(ee) Take any other action or exercise any power or authority of any officer, employee,</p>	<p>units of municipal government to transfer property of the municipal government under 1984 PA 425, MCL 124.21 to 124.30, or as otherwise provided by law, subject to approval by the state treasurer.</p> <p>(aa) Enter into agreements with 1 or more other local governments or public bodies for the consolidation of services.</p> <p>(bb) For a city, village, or township, the emergency manager may recommend to the state boundary commission that the municipal government consolidate with 1 or more other municipal governments, if the emergency manager determines that consolidation would materially alleviate the financial emergency of the municipal government and would not materially and adversely affect the financial situation of the government or governments with which the municipal government in receivership is consolidated. Consolidation under this subdivision shall proceed as provided by law.</p> <p>(cc) For municipal governments, with approval of the governor, disincorporate or dissolve the municipal government and assign its assets, debts, and liabilities as provided by law. The disincorporation or dissolution of the local government is subject to a vote of the electors of that local government if required by law.</p> <p>(dd) Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government as provided in the following acts:</p> <p>(i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.</p>
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	<p>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.</p> <p>(ff) Remove, replace, appoint, or confirm the appointments to any office, board, commission, authority, or other entity which is within or is a component unit of the local government.</p> <p>(2) Except as otherwise provided in this act, during the pendency of the receivership, 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.</p> <p>(3) Except as otherwise provided in this subsection, any contract involving a cumulative value of \$50,000.00 or more is subject to competitive bidding by an emergency manager. However, if a potential contract involves a cumulative value of \$50,000.00 or more, the emergency manager may submit the potential contract to the state treasurer for review and the state treasurer may authorize that the potential contract is not subject to competitive bidding.</p> <p>(4) An emergency manager appointed for a city or village shall not sell or transfer a public utility furnishing light, heat, or power without the approval of a majority of the electors of the city or village voting thereon, or a greater number if the city or village charter provides, as required by section 25 of article VII of the state constitution of 1963. In addition, an emergency</p>	<p>(ii) The fourth class city act, 1895 PA 215, MCL 81.1 to 113.20.</p> <p>(iii) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.</p> <p>(iv) 1851 PA 156, MCL 46.1 to 46.32.</p> <p>(v) 1966 PA 293, MCL 45.501 to 45.521.</p> <p>(vi) The general law village act, 1895 PA 3, MCL 61.1 to 74.25.</p> <p>(vii) The home rule village act, 1909 PA 278, MCL 78.1 to 78.28.</p> <p>(viii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.</p> <p>(ix) The state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896.</p> <p>(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.</p> <p>(ff) Remove, replace, appoint, or confirm the appointments to any office, board, commission, authority, or other entity which is within or is a component unit of the local government.</p> <p>(2) Except as otherwise provided in this act, during the pendency of the receivership, 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.</p> <p>(3) Except as otherwise provided in this subsection, any</p>
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	<p>manager appointed for a city or village shall not utilize the assets of a public utility furnishing heat, light, or power, the finances of which are separately maintained and accounted for by the city or village, to satisfy the general obligations of the city or village.</p> <p>Sec. 19a. Immediately upon the local government being placed in receivership under section 15 and during the pendency of the receivership, the salary, wages, or other compensation, including the accrual of postemployment benefits, and other benefits of the chief administrative officer and members of the governing body of the local government shall be eliminated. This section does not authorize the impairment of vested pension benefits. If an emergency manager has reduced, suspended, or eliminated the salary, wages, or other compensation of the chief administrative officer and members of the governing body of a local government before the effective date of this act, the reduction, suspension, or elimination is valid to the same extent had it occurred after the effective date of this act. The emergency manager may restore, in whole or in part, any of the salary, wages, other compensation, or benefits of the chief administrative officer and members of the governing body during the pendency of the receivership, for such time and on such terms as the emergency manager considers appropriate, to the extent that the manager finds that the restoration of salary, wages, compensation, or benefits is consistent with the financial and operating plan.</p>	<p>contract involving a cumulative value of \$50,000.00 or more is subject to competitive bidding by an emergency manager. However, if a potential contract involves a cumulative value of \$50,000.00 or more, the emergency manager may submit the potential contract to the state treasurer for review and the state treasurer may authorize that the potential contract is not subject to competitive bidding.</p> <p>(4) An emergency manager appointed for a city or village shall not sell or transfer a public utility furnishing light, heat, or power without the approval of a majority of the electors of the city or village voting thereon, or a greater number if the city or village charter provides, as required by section 25 of article VII of the state constitution of 1963. In addition, an emergency manager appointed for a city or village shall not utilize the assets of a public utility furnishing heat, light, or power, the finances of which are separately maintained and accounted for by the city or village, to satisfy the general obligations of the city or village.</p> <p>Sec. 23.</p> <p>(1) Before removing a local government from receivership, the governor may appoint a receivership transition advisory board to monitor the affairs of the local government until the receivership is terminated.</p> <p>(2) A receivership transition advisory board shall consist of the state treasurer or his or her designee, the director of the department of technology, management, and budget or his or her designee, and, if the local government is a school district, the superintendent of public instruction or his or her designee. The governor also</p>
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		<p>may appoint to a receivership transition advisory board 1 or more other individuals with relevant professional experience, including 1 or more residents of the local government.</p> <p>(3) A receivership transition advisory board serves at the pleasure of the governor.</p> <p>(4) At its first meeting, a receivership transition advisory board shall adopt rules of procedure to govern its conduct, meetings, and periodic reporting to the governor. Procedural rules required by this section are not subject to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.</p> <p>(5) A receivership transition advisory board may do all of the following:</p> <p>(a) Require the local government to annually convene a consensus revenue estimating conference for the purpose of arriving at a consensus estimate of revenues to be available for the ensuing fiscal year of the local government.</p> <p>(b) Require the local government to provide monthly cash flow projections and a comparison of budgeted revenues and expenditures to actual revenues and expenditures.</p> <p>(c) Review proposed and amended budgets of the local government. A proposed budget or budget amendment shall not take effect unless approved by the receivership transition advisory board.</p> <p>(d) Review requests by the local government to issue debt under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, or any other law governing the issuance of bonds or notes.</p>
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		<p>(e) Review proposed collective bargaining agreements negotiated under section 15(1) of 1947 PA 336, MCL 423.215. A proposed collective bargaining agreement shall not take effect unless approved by the receivership transition advisory board.</p> <p>(f) Review compliance by the local government with a deficit elimination plan submitted under section 21 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.921.</p> <p>(g) Review proposed judgment levies before submission to a court under section 6093 or 6094 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6093 and 600.6094.</p> <p>(h) Perform any other duties assigned by the governor at the time the receivership transition advisory board is appointed.</p> <p>(6) A receivership transition advisory board is a public body as that term is defined in section 2 of the open meetings act, 1976 PA 267, MCL 15.262, and meetings of a receivership transition advisory board are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A receivership transition advisory board is also a public body as that term is defined in section 2 of the freedom of information act, 1976 PA 442, MCL 15.232, and a public record in the possession of a receivership transition advisory board is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Sec. 24. The governor may, upon his or her own initiative or after receiving a recommendation from a receivership transition advisory board, determine that the financial conditions of a local government have not been corrected in a sustainable</p>
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		fashion as required under section 9 (7) and appoint a new emergency manager.
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Appendix 4: Flint Timeline- Municipal Takeover Key Events

Date	Event/ Order/ Directive/ Action	Details
2000		
February	Flint added to Bond watch list	Moody's Investor Services puts Flint's bond rating on watch list, indicating that Flint is a risky investment.
February	City council concerned over finances, discussed state intervention	City Council voted 7-2 to send a letter to state regarding Flint's finances, but they never sent the letter.
June	Mayor's Budget Rejected by Council	City council rejected Mayor Stanley's budget, noting problems with projections and inaccurate information.
August	Mayor sues council	Mayor Stanley sues city council over budget struggle, ending in a compromise to lay off 100 city employees.
2001		
June	1999-2000 audit completed	The 1999-2000 audit was completed 5 months late. Auditors cited debt at \$14.7million.
August	Recall petition	Recall petition language filed against Mayor Stanley
December	Recall signatures submitted	More than 13,000 signatures were submitted, enough to hold a recall election
2002		
January	Recall certified	Recall petition certified. Election set for March 5
February	Mounting Debt	Auditors note city's debt now at \$28.4 million. Debt forecasted to reach \$32.4 million by June 30.
March 5	Stanley Recalled	Voters recall Mayor Stanley and city administrator Darnell Earley becomes acting mayor.
March	Bob Emerson meets with Council and UAW	State Senator Bob Emerson (D-Flint) met with UAW Region 1-C leader, Cal Rapson, and City Council President, Scott Kincaid to discuss decision to investigate Flint finances
March 13	Senate Resolution 184	Senate Resolution 184, sponsored by Senator Robert L. Emerson, the state senator for the district that includes the city of Flint, sought a preliminary review by the state treasurer of the city of Flint's financial condition
March 21	Special Election postponed	The state Legislature passed a bill to postpone Flint's election to replace Stanley. Giving time for a state review team to complete its work.
March 27	Engler appoints review team	Gov. Engler appoints review team to evaluate Flint's financial condition
April 22	City reorganization implementation approved	The council approves a citywide reorganization that implements many proposals for the 2001-02 budget year.
April 26	Takeover recommended	Governor appointed review team recommends state takeover
May 21	Rutherford submits petition to run for Mayor	Rutherford submits petition to run for mayor and is the only candidate to have enough valid signatures for the Aug 6 special election
May 22	Financial Emergency declared	Engler declared financial emergency in Flint
June 24	City appeals financial emergency	City appeals state's declaration of financial emergency before state Chief Deputy Treasurer Julie A. Croll
July 8	Takeover approved	Gov. Engler approved takeover and Ed Kurtz named Emergency Financial Manager

July 11	Judge blocks takeover to hear legal arguments	Ingham County Circuit Judge James Giddings grants injunction, blocks the takeover until legal arguments are heard.
August 6	Rutherford elected mayor	Rutherford elected to his second time in office. He had previously served as mayor from 1975- 1983. He had previously served as Flint's Chief of Police from 1967-1975.
August 12	State appeals court ruling	State of Michigan appeals Judge Giddings ruling
August 20	State Court of Appeals overrules injunction	The state Court of Appeals overrules Giddings' decision, saying Giddings had no authority to grant an injunction
September 3	Hearing on the merits of Gov. Engler's decision	
September 24	Salary & Wage Study	Kurtz hires a accounting and consulting firm to conduct a salary and wage study of top officials
September 27	New code enforcement program	Kurtz implements a new code enforcement program that includes plans for annual rental inspections and emergency demolitions.
October 8	Salary and Benefits cut	Kurtz cuts annual pay of mayor from \$107,000 to \$24,000, cuts pa of the nine council members from \$23,000 to \$18,000, and health, dental and vision benefits are also eliminated for the majority of city officials.
October 14	Court battle ends	City Council ends three-month battle to fight takeover. Court fight costs city more than \$245,000
October 16	Interim Financial Plan	Kurtz presents interim financial plan, which includes focuses on hiring, overnight travel, and spending
November 12	Reduction in retiree pensions by 3.7 percent	Kurtz orders city retirement board to end controversial pension benefit that would reduce the pensions of about 350 retirees by 3.7 percent and recoup previous overpayments made because of an apparent loophole.
November 12	Elimination on bonus checks for Hurley Medical Employees	A 13th-week bonus paycheck for Hurley Medical Center employees is also targeted.
December	Court rules no authority on retirement system	State attorney general says Kurtz doesn't have the authority to issue orders to a retirement system.
December	City audit indicates a \$26.6 million deficit.	First city audit completed in 5 years indicates that the city has \$26.6 deficit
December	Kurtz makes ultimatum	Kurtz gives ultimatum of wage and benefit cuts or layoffs to city employees as he talks with six unions are at a standstill. City audit shows a dent in deficit.
December	Community centers closed	Kurtz temporarily closes Flint's recreation centers, laying off 18 workers.
2003		
May	Ombudsman Office Closed	Kurtz closes Ombudsman's office
May	Water bill increased 11 percent	Kurtz increases water rate by 11 percent.
September	Union agrees to 4 percent pay cut	Union agrees to 4 percent pay cut
October	Sewer and Road improvement	Kurtz approves more that \$1 million for improves to city roads and sewer

November 10	Williamson sworn in as Mayor	Don Williamson, a prominent business man, is sworn into office as Mayor of Flint. Williamson butts heads with Kurtz
December	Budgets reduced	Financial audits indicate that the city deficit was reduced to \$14 million. Estimates for the 2003-2004 budget will reduce the number to \$6-8 million
2004		
February 17	City Retirement Board approves reduction in city contribution	The city Retirement Board approves four proposals that lower the amount the city has to pay into the system, under Kurtz's threat of massive layoffs and replacing the board.
March 24	Pay for Mayor and Council reinstated	Kurtz announced that he would reinstate some pay for the Mayor and City Council members.
May	City Layoffs	Kurtz lays off 10 employees as a part of his plan to eliminate 35 jobs for the 2004-2005 budget
June	Recommend end of takeover	Kurtz recommends that the takeover end. According to <i>The Flint Journal</i> , during his time in office he has issued nearly 120 directives. State oversight continues through January 2006.
2005		
2006		
		Flint has a \$6.1 million general fund surplus (Scorsone & Bateson, 2011)
	City Charter Amendments Voted Down	A proposal to eliminate the City Ombudsman's Office, which investigated complaints about city departments, was rejected by a margin of 53-47 (only 8 percent of registered voters voted)
2007		
2008		
2009		
2010		
2011		
March 16	Public Act 4	PA 4, known as the "local government and school district fiscal accountability act" signed by the Governor and takes effect
May 16	Stand Up for Democracy	The Stand Up for Democracy Campaign forms to overturn PA 4.
August 2	Flint Mayoral Primary Election	Incumbent Mayor, Dayne Walling, received the most votes and proceeded to the November run-off election
August 2	Flint Mayor Notified of Financial Review Intentions	Mayor Walling notified on the day of the primary that the State Treasurer's office was planning to place Flint under Financial Review
August 29	Flint Financial Review Announced	State Treasurer, Andy Dillan, announced that Flint would undergo a Financial Review under PA 4 to determine probable fiscal distress.
November 8	Financial Emergency Announced	State Financial Review Board, led by Bob Henderson, announces Financial Emergency in Flint
November 8	Election Day	Mayor Walling re-elected to his first full term

November 11	Michael Townsend fired	Michael Townsend, Flint's finance director, was terminated days after a state review panel declared Flint in a financial emergency
November 14	City Council Votes Not to Appeal	Flint City Council votes against appealing the findings of the Financial Review Team (7-2 Vote, Neeley and Sarginson voted to Appeal)
November 15	Walling Declines Hearing	Mayor Walling did not request a hearing on the Financial Review Teams recommendation that the state takeover the city and appoint an Emergency Manager
November 29	Gov. Snyder names Michael Brown as Flint's Emergency Manager	Michael Brown named Emergency Manager. Brown had a long history working in the Flint Community: County Commissioner (1981-1984); Flint Director of Community Development and Government Relations (1987-1991); President of United Way of Genesee & Lapeer Counties (1996-2002); Executive Vice President of Public Policy for Genesee Regional Chamber of Commerce (2008-2009); Interim Mayor for City of Flint (2009); Director of Flint Area Reinvestment Office at C.S. Mott Foundation (2009-2011)
December 1	Emergency Manager Takes Office	Mike Brown takes office as first Flint Emergency Manager
December 1	Executive Order 001: Termination of Appointments	As noted in the Order, "pursuant to Public Act 4, the Emergency Manager may, at his discretion, remove appointees to any office, board, commission, or other entity which is within or is a component unit of local government." Seven people were terminated, including: Greg Eason (City Administrator); Donna Poplar (Human Resources and Labor Relations); Edward Parker (Civil Service Commission); Brenda Purifoy (Ombudsman Office); Rhoda Matthews (Citizens Services); Steve Montle (Green City's Coordinator); Kathleen Sheetz (Executive Secretary)
December 1	Executive Order 002: Elimination of Salaries and Benefits for Mayor and City Council	The salary and all compensation for the Mayor and Members of City Council were eliminated. They were later partially restored.
December 8	Executive Order 003: Procedures for Purchasing	The contracting or procurement of all goods and services, in any amount, must be authorized by the Emergency Manager or Purchasing Department; the Purchasing Department may review and approve purchases with accumulated value of \$10,000 or less without EM approval.
December 8	Executive Order 004: Procedure for submission of resolutions and ordinances	Established strict guidelines and timelines for submitting resolutions and ordinances.
December 8	Executive Order 005: Elimination of Office of the Ombudsman	Established by the 1974 City Charter, the Office of the Ombudsman investigates grievances of city residents regarding city agencies.

December 8	Executive Order 006: Elimination of Civil Service Commission	Established by the 1974 City Charter, the Civil Service Commission investigates grievances of city employees. At the time of the offices elimination, it had 15 ongoing cases.
December 13	Executive Order 007: Budgetary Oversight & Termination of Line Item Level	The order noted: Based on the foregoing, it is hereby ordered that, in light of the City's financial challenges, all City Officials, Department Heads and Division Heads shall adhere to the following budgetary guidelines and responsibilities: 1. Budgetary authority is not a mandate to spend. [emphasis in original] 2. Departmental expenses are to be managed within the amounts authorized in the department's budgets. 3. All possible actions are to be taken to keep expenses as low as possible. 4. It is vital that all budgeted revenues are collected. 5. It is extremely important that all are continuously seeking and recommending ways of operating more efficiently and at lesser cost. 6. All budgetary revenues and expenditures must be continually monitored and the Finance Department must be immediately advised of any variances that become apparent, along with recommendations for addressing such variances.
December 16	Flint "Invitation-Only" Community Roundtable on Crime	Governor Snyder, Emergency Manager Brown, and Police Chief Lock held an "invitation only" roundtable discussion regarding crime with community members, including "community leaders from local churches, the Genesee Regional Chamber of Commerce, the Charles Steward Mott Foundation, local schools and municipalities." Governor called for more law enforcement officers, improved criminal justice system and more jobs.
December 16	Protest	Small protest takes place outside of "invitation only" roundtable, led by Paul Jordan.
December 19	Executive Order 008: Advisory Committee	Per the contract for Emergency Manager Services signed with the State, the Emergency Manager must recommend an advisory committee of 3-5 members, "The membership shall be one representative of the City's elected officials, one representative of the Flint business community, one citizen of Flint and up to two more persons with interest in and knowledge of the Flint community and relevant professional skills to assist the Emergency Manager." Under the order, Brown recommended the following individuals to serve on the advisory committee: 1. Mayor Dayne Walling 2. Councilman Delrico Lloyd, 1 st Ward; international service representative for UAW region 1-C 3. Kenyetta Dotson, anti-violence activist and founder of Community Action Group/WOW Outreach 4. Latrelle Holmes, VP of Finance at Big Brothers. Big Sisters of Greater Flint 5. Tim Herman, CEO of Flint and Genesee Chamber of Commerce
December 20	Executive Order 009: Mayor's Responsibilities and	Mayor Walling's pay was partially restored. His role with the city was outlined, including responsibility for community & citizen engagement, intergovernmental affairs and policy,

	Partial Compensation Restoration	comprehensive master plan, and economic development. The only mention of policy authority is, “develop City of Flint policies and procedures to create positive business climate.”
December 20	Executive Order 010: City Council’s Responsibilities and Partial Compensation Restoration	The order reads: Council shall convene in City Council Chambers one time per month as scheduled by the Emergency Manager for the purpose of listening to public comment, conducting public hearings and addressing other matters submitted by the Emergency Manager. Council members shall address the concerns of their respective constituencies. Individual Council members shall attend ward meetings in their respective wards as directed by the Emergency Manager, and shall be responsible for communicating information about ward meetings to their constituency so as to promote community awareness, including the date, time and location of such meetings. Individual Council members shall serve on committees as directed by the Emergency Manager.
2012		
January 11	Executive Order 011: Procedure for Submission of Matters Involving Planning Commission Recommendations	Procedures identified for take action where state or city law requires a recommendation by the City Planning Commission, including zoning ordinances, vacating a street, and street name change. The procedures indicate that the Emergency Manager will “approve or disapprove of the proposal,” thus granting final authority to the EM.
January 11	Executive Order 012: Monthly Meetings with City Council	EM will hold a monthly meeting with City Council to provide a status report and to answer questions of the Council members. Meetings will be open to the public and will provide opportunity for public comment. Meetings to be held the second Monday of every month, 5:30-7:30pm. Public comment time restricted to 5 minutes, one comment per person. Further restrictions on public comment are outlined as follows, “Any person attending a meeting may be called to order by the Council President or any councilperson for failure to be germane, for vulgarity, for personal attack of persons or institutions, or for speaking in excess of the allotted time. A person called to order shall thereupon take his or her seat until the Council President shall have determined whether he or she is in order. Every question of order shall be decided by the Council President. If a person so engaged in presentation shall be determined by the Council President to be out of order, that person shall not be permitted to continue at the same meeting.”
January 15	45 Day Plan	Brown lays out his 45-day plan, “The Financial and Operating Plan”
January 16	“Occupy for Democracy” Protest in Lansing	A group of Michigan residents, including a busload from Flint, protested outside of the Governor’s home in Lansing.
January 17	Brown submits Financial & Operating Plan to State	Identifies following as the primary goals: 1. long-term financial stability; 2. an increase in revenue base to provide quality services to its residents; 3. a reduction in government costs through negotiated union contracts, consolidation and shared services, and ongoing professional development of staff; 4. continue to maintain and modernize the infrastructure of the city in alignment with the current population counts;

		<p>5. to streamline the processes necessary for businesses to locate, and continue operations, in the city;</p> <p>6. to utilize the Master Plan to stabilize and then increase both the commercial and residential base of the city;</p> <p>7. to provide public safety services, focusing on reducing violent crime, commensurate with cities of comparable size and resources.</p>
February	Ward-based community meetings	<p>“Community engagement” meetings hosted throughout the city in each of the 9 wards”</p> <p>Feb 2: Ward 9</p> <p>Feb 7: Ward 7</p> <p>Feb 9: Ward 5</p> <p>Feb 16: Ward 2</p> <p>Feb 20: Ward 4</p> <p>Feb 23: Ward 1</p> <p>Feb 27: Ward 3</p> <p>Feb 28: Ward 8</p> <p>Mar 1: Ward 6</p>
March 7	Gov. Snyder delivers public safety address from Flint City Hall	Gov. calls for re-opening Flint local jail and increasing state police presence in the city. In his address he noted budget allocations of \$4.5 million to further enhance Flint lock up and \$900,000 for prosecutorial support
March 15	Temporary restraining order against EM Brown actions	Judge grants temporary restraining order against any action by Brown, pending a lawsuit by city employee and head of AFSCME local 1600, Sam Muma, alleging the state violated the Open Meetings Act by appointing Brown without public deliberation
March 20	Ingham County Circuit Court Judge rules in favor of Muma	Ingham county judge rules in favor of Muma. Brown is removed from office and authority is restored to Mayor and Council
March 26	Michigan Court of Appeals reinstates Brown’s authority	Brown reinstated by the Michigan Court of Appeals
April 13	Executive Order 013: Modification of settlement agreement with URGE	Modification of city approved settlement agreement with United Retirement Governmental Employees (URGE) regarding prescription drug coverage, from 2002. Modified to increase required co-pay on non-generic drugs. (Effective May 1, 2012)
April 20	Barnett Jones appointed Public Safety Administration	Barnett Jones, former police chief of the Ann Arbor, named Public Safety Administrator to oversee police and fire and develop a public safety plan. His salary is \$135,000, paid for by a grant from the C.S. Mott Foundation
April 24	Executive Orders 014, 015, 016: Approval of collective bargaining agreements	Approval of collective bargaining agreements with P.O.L.C.- Flint Police Sergeants Union, P.O.L.C.- Flint Police Captains and Lieutenants Union, and I.A.F.F.- Flint Firefighters Union.
April 25	Executive Order 017: Approval of 2013 Budget	Approved and adopted Fiscal Year 2013 Budget, provided that staffing reductions set forth in the Fiscal Year 2013 Budget shall immediately be implemented as an amendment to the current Fiscal Year 2012 Budget, as directed by the Emergency Manager. Budget included a new \$66 street light

		assessment and a \$143 trash collection fee that replaces the 3-mill waste collection tax (Executive Orders 028 & 030).
April 25	Executive Order 018: Flint Police Officers Association Contract Provide Modification/ Termination	The order reads, in part: “As part of our plan to reduce costs, Attorney John Clark and other members of my team have met with the Flint Police Officers Association (“FPOA”) in an attempt to meet and confer over our proposed concessions. My team met with the executive committee of FPOA and its attorney on March 15, 2012, March 30, 2012, April 13, 2012, April 17, 2012 and April 19, 2012. The FPOA has refused to agree to any of our proposed concessions.” Therefore on April 11, 2012, the EM requested that the State Treasurer concur with the modification of certain sections of the Collective Bargaining Agreement. Details of the imposed concessions detailed in the order.
April 25	Executive Order 019, 020, 021, 022, 023, 024, 025: Insurance Recipients	Changes/ modifications in health insurance coverage for Non-union actives and retirees, and modifications to collective bargaining agreements regarding health coverage for P.O.L.C. – Flint Police Sergeants Union Retirees; P.O.L.C.- Flint Police Captains and Lieutenants Union Retirees; Flint Police Officers Association Union Retirees; Flint I.A.F.F.-Flint Firefighters Union Retirees; AFSCME Local 1600 Retirees; and AFSCME Local 1799 Retirees
April 25	Executive Order 026: Contract provision modification/ termination with AFSCME Local 1600	The order reads, in part, “As part of our plan to reduce costs, Attorney Kendall Williams and other members of my team have met with AFSCME Local 1600 in an attempt to meet and confer over our proposed concessions. My team met with the executive committee of AFSCME Local 1600 and its attorney on March 7, 2012, April 11, 2012, April 12, 2012, April 13, 2012, April 16, 2012 and April 17, 2012 to confer over our proposed concessions. AFSCME Local 1600 has refused to agree to any of our proposed concessions.” Therefore on April 23, 2012, the EM requested that the State Treasurer concur in his modification of certain sections of the Collective Bargaining Agreement. Details of the imposed concessions detailed in the order.
April 25	Executive Order 027: Approval of Collective Bargaining Agreement with AFSCME Local 1799	Approval of Collective Bargaining Agreement with AFSCME Local 1799
April 25	Executive Order 028: Waste Collection User Fee	Order reads, in part, “The City has collected a special 3 mill property tax levy for waste collection. However, the amount collected from the levy has reduced as property values have fallen, while costs have increased. As a result, the City’s General Fund has subsidized waste collection by up to \$1.5 million. The City’s General Fund can no longer subsidize waste collection. The City has authority to collect a user fee for waste collection, disposal and related activities under the Home Rule City Act, Act 279.” The order the discontinuation of the 3-mill levy for waste collection.
April 26	Board of Canvassers vote, 2-2, to put referendum on ballot	
May 30	Executive Order 029: Application to state	Subject to the limitations of Section 4(8) of Act No. 80, the Emergency Manager hereby determines that it is necessary to

	administrative board for approval to issue fiscal stabilization bonds	issue its bonds (the “Bonds”) pursuant to Act No. 80 in the principal amount not to exceed \$9,300,000, for the purpose of providing funds to find (i) all or a portion of the accumulated operating deficit for the fiscal year ended June 30, 2011 and a portion of its projected accumulated operating deficit for the fiscal year ended June 30, 2012, (ii) an amount necessary to prepay all or a portion of the principal of and interest on obligations or bonds of the City as in the Bond Authorizing Order, if outstanding when the Bonds are issued and so determined by the City at the time of sale of the Bonds, (iii) a reserve to secure payment of principal of or interest on the Bonds in an amount not exceeding the maximum amount of principal and interest coming due on the Bonds in any fiscal year, if necessary, (iv) a discount of not to exceed 10% of the principal amount of the Bonds, and (v) an amount sufficient to pay all legal, financial, accounting, printing and other expenses related to the issuance of the Bonds. State “holds off” and requests that the city wait for a better interest rate.
May 30	Executive Order 030: Special Assessment for Street Lighting	Imposes a tentative street light assessment of \$62 per parcel to cover the FY13 budget appropriation of \$2,850,000 for street light expenses to operate and maintain 11,292 streetlights city-wide. Public Hearing set for May 31 at 11am to discuss creation of street light assessment district.
May 30	Executive Order 031: Water and Sewer Rate Increase	Water and sewer rate increased
May 31	Public Hearing regarding street light assessment	According to the Flint Journal the public hearing was only attended by 3 people, all of whom objected to the fee. Officials indicated that another public hearing would be set for June.
June 8	Layoff notices of city employees	Nearly 100 city employees received layoff notices as part of the 2013 budget. No police and fire were cut due to a \$6.9 million federal grant
June 12	Most Violent City	Flint identified as most violence city in American for the third straight year
June 13	Arsons make national news	For the third consecutive year, Flint is identified has having the most arsons per capita in the nation
June 14	Hundreds of residents attend June hearing on Street Light Assessment	More than 200 community members turned out for the June hearing. More than 100 people filled out forms to speak at the hearing
June 27	Executive Order 032: Establishment of Special Assessment for Street Lighting	Street Light assessment set at \$66.05 per parcel. Assessment to be collected July 1, 2012 through property tax bill for all property owners
July 19	Townsend settlement	Flint settles lawsuit with former finance director, Townsend, for more than \$250,000.
August 3		
August 8	Executive Order 033: Consolidation of Flint Area Enterprise	Consolidates the Flint Area Enterprise Community (FAEC) with the Enterprise Economic Development Corporation (EDC), with the EDC authority and control of the FAEC. The

	Community with Economic Development Corporation & Elimination of Citizens District Councils	city-wide advisory committee, Smith Village Citizen's District Council, 1-475 Neighborhood Development Citizens District Council, and Flint Park lake Citizens District Council eliminated.
August 8	Executive Order 034: Flint Police Officers Association Union contract provision modification/ termination	Flint Police Officers Association Union contract provision modification/ termination- transfer to retirement to the municipal employees' retirement system of Michigan (MERS).
August 8	Brown signs 30 resolutions on last day as EM	Resolutions and Actions include: <ul style="list-style-type: none"> • Resolution to demolition and replace Genesee towers with "urban plaza" • Puts 6 mil public safety tax increase on November ballot to eliminate city's dependence on grants from foundations and federal government • Approved development agreement with Genesee Towers to transfer ownership to a new owner for it to be demolished—transfer ownership to Uptown Reinvestment Corp for \$1. The agreement signed by Brown and Uptown president Tim Herman
August 8	State Board of Canvassers placed the issue of repealing PA 4 on ballot	As directed by the Michigan Supreme Court, the State Board of Canvassers certified the referendum and placed the issue of repealing PA 4 of 2011 on the November 6, 2012 ballot. In so doing, PA 4 was suspended, in accordance with Michigan's Constitution. PA 72 of 1990 reinstated, in effect.
August 8	Ed Kurtz appointed EFM, under PA 72	Ed Kurtz appointed as EFM by the state's Emergency Financial Assistance Loan Board. Brown was not eligible to serve as EFM under PA 72 because he was an employee, and interim mayor, of the city in the last 5 years. Brown noted, however, that an EFM was still necessary indicating that "cash flow is minimal" and that there was still \$19 million in past debt to be resolved (Longley, 2012b)
August 8	Michael Brown appointed City Administrator by Kurtz	Ed Kurtz, incoming EFM, appointed outgoing EM Mike Brown as his city administration. Kurtz stated, "This will keep the current management team in place and offer stability to city government as it continues to rebuild and restructure itself financially," (Longley, 2012c)
August 20	Prayer Protests and Civil Rights Rally	Organized by Concerned Pastors for Social Action and North Flint Reinvestment Corporation, submit list of "desired outcomes" to EFM.
August 24	Executive Order EFM001, EFM002, EFM 003: Procedures for Purchasing, Procedures for submission of resolutions and ordinances, budgetary oversight	Procedures for Purchasing, Procedures for submission of resolutions and ordinances, budgetary oversight pursuant to PA 72.

August 24	Executive Order EFM004: Advisory Council	Pursuant to PA 72 guidelines and the Contract for Emergency Financial Manager Services signed by the Local Emergency Financial Assistance Loan Board, the EFM recommends the following individuals to serve on the EFM's Advisory Committee: 1. Mayor Dayne Walling 2. Kenyetta Dotson, anti-violence activist and founder of Community Action Group/WOW Outreach 3. Reverend Phillip Thompson, Bethlehem Temple Church 4. Tim Herman, CEO of Flint and Genesee Chamber of Commerce
September 10	City council files lawsuit against Kurt's Appointment	
September 12	Executive Order EFM005: City treasurer authorized to correct assessments	City Treasurer is authorized to make the necessary correction to an assessment or fee that was placed on the tax roll in the event it is determined that property owner is entitled to a waiver
September 14	Executive Order EFM006: Overtime	All overtime must be directly approved by the department head in advance, with the exception of emergency overtime that can be clearly documented. In the Police Department, requests for overtime should be directed to Chief Alvern Lock. In the Fire Department, requests for overtime should be directed to Public Safety Administrator Barnett Jones
October 1	Flint City Lock-up Opens	The lock up facility opens for the first time since 2008, housing up to 110 inmates. The estimated operating cost is \$2.1 million annually.
October 8	City Council adopts Ordinance No. 3826	On October 8, 2012, Flint City Council adopted the attached Ordinance No. 3826 to amend the Flint City Code of Ordinances by amending Chapter 24 by adding Section 24-4, Adoption — Comprehensive Rental Inspection Code, changing the rental property inspection period from 3 to 5 years.
October 11	Executive Order EFM007: City Council Adoption of Amendment to Rental Inspection Ordinance Null and Void	Ordinance No. 3826 rendered null and void. The ordinance changed the rental property inspection period from 3 to 5 years thus resulting in less revenue for the city. The ordinance was adopted without approval of the EFM, a requirement of PA 72, and without approval of the Chief Legal Officer, a requirement of the City Charter.
October 22	Executive Order EFM 008: Poverty Exemption to Street Lighting Assessment	The City of Flint recognizes that this special assessment will impose a financial hardship on certain residents. For this reason, the Emergency Manager hereby orders that individuals who qualify for relief from property taxes may also, upon request, be provided relief from the street lighting special assessment
November 6	Michigan voters overturn PA 4	Michiganders voted 53 percent to 47 percent to strike down a referendum on Public Act 4.
November 6	Flint Voters approve public safety tax increase	Voters of the city of Flint voted in support of the 6-mill public safety tax increase, with approximately 59% of the ballots cast in support of the ballot (25,198 total votes cast)
December 12	Executive Order EFM009: Invalidating Council Action	Rendered City Council Resolution No. 121084 null and void as it (1) it was adopted in violation of Flint City Charter

		(2) it violates Public Act 72 by “usurping the authority of the Emergency Financial Manager.”
December 27	PA 436 approved	PA 436 approved by Michigan State Legislature
2013		
January 10	Barnett Jones resigns	Jones resigns after it is discovered he is also the head of security for Detroit Water and Sewage Department
February 7	Flint Police Officers Association files lawsuit against city over forced concessions	Forced concessions included 5% wage cut, reduced retirement benefits, and increased hours per shift.
March 15	Executive Order EFM010: Grant Applications	Lays out the process for submitting, approving, and accepting grants on behalf of the City. Primary responsibility and authorization for approving rests with the EFM or City Administrator (Brown)
March 27	Executive Order EFM011: Water Services Procedures	New procedures adopted regarding water services in an effort to address the “substantial financial impact” in its delivery of water services
March 28	PA 436 goes into effect	PA 436 goes into effect and effectively repeals PA 72. It is a response to the repeal of PA 4 by a ballot initiative in November 2012. The new law offers some minor changes from PA 4, most notable budget allocations, making it effectively immune from future ballot referenda.
March 28	Ed Kurtz appointed Emergency Manager	
March 28	Executive Order 001: Mayor Responsibilities and Partial Restoration of Pay	Identical order to EO009 under PA4. But this time it is under the authority of Ed Kurtz, pursuant to his authority under PA 436
April 12	Executive Order 002: City Council’s Responsibilities and Partial Restoration of Compensation	In addition to the language found in EO010 in 2011, this order lays out obligations of the council and requires acknowledgement and agreement to abide in order to be eligible for compensation: 1. Meet once per month (4th Monday) in order to hear concerns from constituents. Council members must be in attendance throughout the meeting. 2. Accept and respond to constituent calls and requests for information. Council members shall submit actionable items to the Emergency Manager in writing 3. Schedule meetings as requested by the Emergency Manager to address issues that have a significant impact on the City, such as the Comprehensive Master Plan, KWA, Charter Revisions, and other issues that may arise. 4. Complete Level One of the Michigan Municipal League (MML) core courses for municipal government and receive the MML Education Award within one year. The City will pay for costs of the actual training, exclusive of travel, lodging and meals. 5. All communication with staff must be in writing and directed through the Emergency Manager’s office. 6. Comply with any other request authorized by Public Act 436 from the Emergency Manager on timely basis.
May 29	Kurtz submits resignation letter	Kurtz submits resignation to Gov. Snyder, indicating July 3 as his last day.

June 6	Executive Order 003: Special Assessment District for Street Lighting	The order effectively increases the street lighting assessment to \$67.87 per parcel, an increase of \$1.82 per parcel. The order expressly indicates that “all funds will be used exclusively for the purpose intended- for the payment of costs permitted under MCL 117.4d(2)(b), including engineering, financial, legal, administrative services, and operation and maintenance of the lighting system.” The order indicates a planned public hearing for June 11, 2013
June 11	Street Light Assessment Hearing	
June 13	Executive Order 004: Adoption of Fiscal Year 2014 Budget	
June 26	Brown appointed Emergency Manager, July 8	Governor Snyder appoints Michael Brown to serve as Emergency Manager, effective July 8
July 3	Ed Kurtz last day as EM	
July 8	Brown takes over as Emergency Manager	
September 11	Brown announced resignation	Michael Brown announced his resignation on September 11. He is replaced by Darnell Earley, former city administrator of Flint (and more recently city administrator of Saginaw).
November 1	Executive Order 1: City Council Schedule for remainder of 2013	Set schedule for council meetings in November and December
December 11	Executive Order 2: Cancellation of City Council Meeting	December council meeting canceled
December 11	Executive Order 3: Directives to Councilman Eric Mays	Publicly berates councilman Eric Mays, Ward 1, for his behavior and specifies directives for how Mays should communicate with the EM, via email only
2014		
January	Blue Ribbon Committee	Earley appoints 23-member Blue Ribbon Committee on Governance
January 15	Executive Order 4: Confirmation of Council Committee Appointments	Confirms City Council Committee appointments. Notes that all meetings convened on behalf of the Committees must be scheduled by the Emergency Manager or his designee.
January 31	Executive Order 5: City council and council committee meeting schedule	Approval and posting of February meeting schedule
February 25	Executive Order 6: Confirmation of City Council Committee Appointments	Public Works and Planning and Development Committees established and Finance renamed Finance and Administration
February 25	Executive Order 7: Authority for Presentation of Mayors State of City Address	Authorizes Mayor to give State of the City address on March 3 2014

March 5	Executive Order 8: Council Meeting Protocol	<p>This orders sets out the policies and procedures for city council meetings to ensure “the business of the City of Flint conducted at City Council meetings occurs in an orderly, dignifies, and efficient manner.”</p> <p>Protocol is as follows: at meetings of the Flint City Council each Council member shall be afforded five (5) minutes to address matters pen before Council; to make referrals; to respond to public comment; or to discuss issues concerning the City of Flint. Council members shall not yield time to fellow members. The period for Council member comment shall appear on the agenda and shall be the last item on the agenda. The City Clerk shall keep time and shall issue a warning when a member has one (1) minute remaining to speak. Otherwise, Council members shall not make comments during Council meetings, other than to respond to roll call or to respond directly to a request of the Council President, or at his recognition. When recognizing a member, the Council President shall limit comments, discussion or debate to a reasonable amount of time.</p>
March 6	Executive Order 6.1: Revision to Confirmation of City Council Committee Appointments	Switch members of Public Works and Planning and Development committees.
March 21	Executive Order 9: Monthly City Council and Committee Schedule	Schedule for April
April 1	Executive Order 10: City Council Agenda	Agenda for meetings laid out. Limitations on public comment set at 3 minutes.
April 19	Executive Order 11: Street lighting Assessment FY 15 & 16	Street light assessment set at \$70.94 per parcel is an annual increase of \$3.07 per parcel in comparison to the current assessment and set for FY16 at \$74.14 per parcel is a projected increase of \$3.20 per parcel over the FY15 assessment
April 30	Executive Order 12: Compliance with Public Funded Health Insurance Contribution Act, Act 152 of 2011	The city shall not pay more than 80% of the total annual costs of all of the medical benefits it offers or contributes for its employees and elected officials. All active employees and elected officials are obligated to pay 20% of the total annual costs of all medical benefit plans.
June 20	Executive Order 13: Adoption of biennial budget for FY 2015 and 2016	The order lays out the process that the EM undertook to engage the mayor, city council and the public in developing and adopting the biennial budget. Staffing reductions included in the budget.
June 20	Executive Order 14: Adoption of Strategic Plan for City of Flint	Strategic plan, FY15-FY19 adopted.
June 20	Executive Order 15: Mayor Walling Increased Responsibilities and Compensation	Walling now responsible for the day-to-day operations of the Department of Planning and Development and the Department of Public Works. Increased annual compensation rate of \$82,5000

June 20	Executive Order 16: Flint City Council's increased responsibilities	Intent indicated that the council is moving in the direction to transition the city back to local control. Compensation increased to \$10,500.00.
June 30	Blue Ribbon Committee	On June 30, 2014, the committee submitted their findings and recommendations to the Emergency Manager. Six recommendations were made: shifting to a hybrid form of Council-Manager government with an elected Mayor and an appointed City Manager; reconsideration of the City Council system by a Charter Commission; Ongoing training for all City Council members; City-appointed officials report to and are hired by the City Manager (with the exception of the City Attorney and City Clerk); Elimination of the Civil Service Commission and removal from charter of Ombudsman Office; Adoption of multi-year budgeting, strategic planning and long-term financial forecasts.
July 15	Executive Order 18: Adoption of the Deficit Elimination/ Reserve Accumulation Plan	FY13 Financial Statements indicated a nearly \$12.9 million general fund deficit, down from \$19.2 million, arising from inter-fund borrowing in the form of cash advances. Order authorizes addition steps to eliminate deficit and establish reserves
July 15	Executive Order 20: Acceptance and Adoption of Collective Bargaining Agreement with AFSCME Local 1600	Acceptance and Adoption of Collective Bargaining Agreement with AFSCME Local 1600
July 15	Executive Order 21: Amended Waste Collection User Fee	Waste Removal fee extended to all residential/ commercial combination parcels in the city
July 16	Executive Order 22: Acceptance and Adoption of Collective Bargaining Agreement with AFSCME Local 1799	Acceptance and Adoption of Collective Bargaining Agreement with AFSCME Local 1799
July 16	Executive Order 23: Acceptance and Imposition of Collective Bargaining Agreement with Flint Police Officers Association Union	After unsuccessful negotiations. Therefore this order imposes the required changes to the Collective Bargaining Agreement between the City of Flint and the Flint Police Officers Association Union
September 12	Executive Order 24: Adoption of Benefit Modifications for Non-Union Employees	Further changes to health benefits of non-union employees.
October 15	Executive Order 25: Monthly City Council Meeting schedule for remainder of 2014	October meeting canceled, November and December meeting times and locations scheduled.
November 4	Flint Voters decide on Charter Amendments	Proposal 1: Approves Charter Review, approved Proposal 2: reduced the number of mayoral staff appointments from no more than 10 to no more than five, approved.

		<p>Proposal 3: added a charter amendment to require budgetary best practices, approved</p> <p>Proposal 4: would have eliminated the requirement for certain executive departments, defeated</p> <p>Proposal 5: would have eliminated the Civil Service Commission, defeated</p> <p>Proposal 6: would have eliminated the Office of Ombudsman, defeated</p>
November 6	Executive Order 26: Acceptance and Adoption of Collective Bargaining Agreement with POLC-Police Sergeants	Acceptance and Adoption of Collective Bargaining Agreement with POLC-Police Sergeants
November 6	Executive Order 27: Acceptance and Adoption of Collective Bargaining Agreement with POLC-Police Captains and Lieutenants	Acceptance and Adoption of Collective Bargaining Agreement with POLC-Police Captains and Lieutenants
December 9	Executive Order 28: Special Council Meeting	Authorizes council to conduct a special meeting for the sole purpose of approving or disapproving the Emergency Manager's proposed contract with the International Association of Firefighters
	Charter Amendments Placed on Ballot	
2015		
January 8 (December 12)	Executive Order 29: Special Council Meeting	Authorizes council to conduct a special meeting for the sole purpose <i>considering an alternative</i> to Emergency Manager's proposed contract with the International Association of Firefighters
January 8 (December 29)	Executive Order 30: Special Council Meeting	Authorizes council to conduct a special meeting for the sole purpose of appointing two individuals to fill the vacant Council positions for Ward 3 and Ward 6; the appointees shall serve until November of 2015; and The Council positions for Ward 3 and Ward 6 shall be subject to an August, 2015 primary election and November, 2015 general election.
January 12	Executive Order 31: Acceptance and Imposition of Collective Bargaining Agreement with International Association of Firefighters, local 352	Negotiations unsuccessful. Therefore this order imposes the required changes to the Collective Bargaining Agreement between the City of Flint and the IAF Union
January 13	Darnell Earley resigns,	Darnell Earley resigns,
	Gerald Ambrose appointed EM	Gerald Ambrose appointed EM
February 2	Executive Order 1: Bi-monthly city	Establishes a city council organizational chart, dissolves the council legislative committee and establishes regular meetings of the council and its committees.

	council and committee meetings	
	Executive Order 2: Restructuring Outstanding Water Supply Revenue Bonds	Restructuring Outstanding Water Supply Revenue Bonds series 1999, series 2000, series 2001, and series 2002
March 18	Executive Order 3: City Administrator	Establishes the role of the City Administrator that shall serve as the City's Chief Administrative Officers at the pleasure of the Mayor, City Council, and Emergency Manager or Receivership Advisory Transition Board (RTAB) in accordance with her contract (2/23/2015). Role outlined in the order.
April 10	Executive Order 4: Mayor/ Council Compensation	Reinstates pay for Mayor, outlining his increased responsibilities and his increased training from Michigan Municipal League (MML)
April 28	Ambrose recommends appointment of an RTAB	Emergency Manager Ambrose recommends the appointment of a Receivership Transition Advisory Board (RTAB). RTAB would serve as an oversight body to monitor the city while the city remains in receivership.
April 30	Executive Order 5: Special Street Light Assessment	FY17 street light assessment will remain the same as FY16
April 30	Executive Order 6: Rescind Certain Emergency Manager Orders Concerning Council	The order rescinds EO 8, 9, and 10 (Earley) related to council protocol, agenda, and schedule. The order also rescinds EO 3 (Earley) regarding the directives for Councilman Eric Mays
April 30	Executive Order 7: Adoption of Biennial Budget for FY16 and FY17	The order adopts the biennial budget. It also introduced the language, "the Biennial Budget for Fiscal Years 2015 and 2016 shall be implemented upon direction of the Emergency Manager, or by the City Administrator, if there is no longer an Emergency Manager."
April 30	Executive Order 8: Compliance with Public Funded Health Insurance Contribution Act, Public Act 152	Same as EO12 (2013, Earley)
April 30	Executive Order 20: Measures to Rectify Financial Emergency and Allocation of Responsibilities in the Event of the Appointment if a Receivership Transition Advisory Board	The order outlines the roles and responsibilities of the Mayor and City Council
August 20	Executive Order 7.1: Amendment of Budget	Amendment to the FY2015-2016 to be in compliance with the State of Michigan Uniform Budgeting and Accounting Act. Signed by State Treasurer, Nick Khouri
2016		

January 21	Michael Townsend appointed to RTAB	Michael Townsend, former Flint finance director and whistle blower, appointed to Flint's Receivership Transition Advisory Board

Sources: Flint Journal, Access World News database (for back issues of Flint Journal, 2002-2005), City of Flint, Interview transcripts, and Genesee County website. Direct quotes pulled from news articles are cited in text and referenced in below.

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- Wilson, S. (2016). The river plan. *MLive*. Retrieved from http://www.mlive.com/news/flint/index.ssf/2015/10/how_the_flint_water_crisis_emerge.html#4
- Wolman, H., McManmon, R., Bell, M., and Brunori, D. (2007). Comparing Local Government Autonomy across the States. GWIPP Working Paper (George Washington Institute of Public Policy).
- Yanow, D. (2007). Qualitative- interpretive methods in policy research. In F. Fischer, G. J. Miller, & M. S. Sidney (Eds.), *Handbook of Public Policy Analysis*. (pp. 405-416). Baton Rouge, FL: CRC Press.
- Yanow, D. (2013). Interpretive Analysis and Comparative Research. In I. Engeli & C. Rothmayr (Eds.), *Comparative policy studies: conceptual and methodological challenges*. (pp. 131-159). Palgrave MacMillan.
- Yin, R. K. (2014). *Case Study Research: Design and Methods*. Los Angeles, CA: Sage Press.
- Young, G. (2013). *Tear Down: Memoir of a Vanishing City*. Berkley, CA: University of California Press.

Curriculum Vitae

ACADEMIC APPOINTMENTS

Kent State University, Kent, OH	2016, August
Assistant Professor, Department of Political Science	
Miami University, Oxford, OH	2015
Thomas W. Smith Research Associate and Janus Scholar, Department of Political Science	
Rutgers University, Camden, NJ	
Instructor, Political Science	2014-2015
Research/Teaching Assistant, Public Policy and Administration	2011-2014
Instructor, Public Policy and Administration	2013
Instructor, Urban Studies	2012
Grand Valley State University, Allendale, MI	
Guest Lecturer, Women & Gender Studies	2005- 2011
Instructor, Public, Nonprofit, and Health Administration	2008- 2011
Instructor, Liberal Studies	2008

EDUCATION

Rutgers University, Camden, NJ	
Ph.D. in Public Affairs- concentration in Community Development	2016, May
Area Exams: Community Development; Methods (<i>passed with distinction</i>)	
Rutgers University, Camden, NJ	
Master of Science in Public Affairs, en passant	2016
Area: Community Development	
Advisor: Marie I. Chevrier	
Grand Valley State University, Allendale, MI	
Master of Public Administration	2006
Areas: Nonprofit Management; Social Work (Community and Social Welfare)	
Advisor: Diane Kimoto	
Grand Valley State University, Allendale, MI	
Bachelor of Science of Psychology, Women and Gender Studies	2003
Advisors: Donna Henderson-King & Kathleen Underwood	
<i>Additional Training</i>	
Syracuse University, Maxwell School	
Institute for Qualitative and Multi-Method Research (IQMR)	2014
Certificate, Qualitative and Multi-Method Analysis	

University of Michigan, Ann Arbor
 Interuniversity Consortium for Political and Social Research (ICPSR) 2013
Certificate, Quantitative Methods of Social Research

PUBLICATIONS

Refereed Journal Articles

Nickels, A. E. (forthcoming). Review of “What is Philanthropy?” *Journal of Public Affairs Education*.

Nickels, A. E. (2015). Pedagogical perspectives of teaching community development. *Journal of Public Affairs Education*, 21(2), 139-142.

Rivera, J. D. & **Nickels, A. E.** (2014). Social Capital, community resilience, and faith-based organizations in disaster recovery: A case study of Mary Queen of Vietnam Catholic Church. *Risk, Hazards, and Crisis in Public Policy*, 5(2), 178-211.

Nickels, A. & Kowalski, M. (2012). Examining NIARA: How a student-designated program for women of color is impacting mentors. *Advances in Developing Human Resources*, 14(2), 188-204.

Nickels, A., Rowland, T., Fadase, O. (2011). Engaging undergraduate students to be agents of social change: Lessons from student affairs professionals. *Journal of Public Affairs Education*, 17(1), 45- 59.

Letzmann, P., **Nickels, A.**, & Stockdale, J. (2010). Engaging students to connect beyond the text: A reflection on the value of professionals as adjuncts. *Journal of Public Affairs Education*, 16(1). 67-76.

Chapters

Nickels, A. E. & Wood, S. (forthcoming). Organizing for democracy: Community responses to Municipal Takeover and the Flint Water Crisis. In B. Stabile & T. Neaves (Eds.), *Flint Water Crisis*. Washington, D.C.: Westphalia Press.

Rivera, J. D. & **Nickels, A. E.** (forthcoming, reprint). Social Capital, community resilience, and faith-based organizations in disaster recovery: A case study of Mary Queen of Vietnam Catholic Church. In *Nonprofits and Disasters*. Washington, D.C.: Westphalia Press.

Books

Martin, J. L., **Nickels, A. E.**, and Sharp-Grier, M. (Eds.). (under contract). *Feminist Pedagogy, Practice, and Activism: Improving Lives for Girls and Young Women*. New York, NY: Routledge Press.

Trade Publications and Newspaper Articles

Nickels, A. E. (2016, February). Michigan’s Municipal Takeover Law. *PA Times*.

Working Papers

Nickels, A. E. & Martin, J. L. (under review). Jane Doe or Detroit Snob? Unpacking the Imposter in Feminist Activism. *Feminist Formations*.

PRESENTATIONS

Conference Papers

Nickels, A. E. (2016). Fiscal Stability versus Local Democracy: Community Responses to Municipal Takeover. Presented at American Society for Public Administration Conference, Seattle, WA.

Nickels, A. E. (2015). Organizing for Democracy: How community activists make meaning out of municipal takeover. Presented at Association for Research on Nonprofit and Voluntary Action Conference, Chicago, IL.

Nickels, A. E. & Martin J. L. (2015). Detroit Snob: An Intersectional Activist's View of the City. Presented at Urban Affairs Association Conference, Miami, FL.

Nickels, A. E. (2014). Local Autonomy, Community Control, Home Rule and Municipal Takeover. Presented at American Political Science Association Research Conference, Washington, DC.

Nickels, A. E. (2014). Urban Decline, Municipal Takeover, and Local Democracy. Presented at Urban Affairs Association Conference. San Antonio, TX.

Leach, K. A. & **Nickels, A. E.** (2013). Foundation Funding and CDC Capacity, Presented at Association for Research on Nonprofit Organizations and Voluntary Action Conference, Hartford, CT.

Nickels, A. E. & Rivera, J. (2013). Community Redevelopment and Mobilization after Hurricane Katrina. Presented at American Political Science Association Research Conference, Chicago, IL.

Fortner, M. J. & **Nickels, A.** (2012). Principles, Prejudice and Policies: The Historical Institutional Roots of White Attitudes. Presented at Northeastern Political Science Association Annual Conference, Boston, MA.

Nickels, A. (2012). Threats to Urban Democracy? Municipal State Takeover and Implications for Civic [and Political] Engagement. Presented at American Public Policy Analysis and Management Fall Research Conference, Baltimore, MD.

Nickels, A. & Schenk, S. (2010). Activist Identity Development through the Lens of 'The Vagina Monologues'. Presented at National Women's Studies Association Conference, Denver, CO.

Nickels, A., Rowland, T., & Fadase, O. (2010). Engaging Undergraduate Students to be

Agents of Social Change: Lessons from Student Affairs Professionals. Presented at Teaching Public Affairs Conference, Grand Rapids, MI.

Letzmann, P., **Nickels, A.**, & Stockdale, J. (2009). Adjunct Teaching: The Unique Rewards. Presented at Teaching Public Affairs Conference, Frankfort, KY.

Workshops and Invited Lectures

Nickels, A. E. (2016, Invited). Fiscal Stability versus Local Democracy: Emergency Managers in Flint, MI. Political Science Colloquium, Miami University, Oxford, OH.

Nickels, A. E. (2014). Crises in Public Management, case facilitation. Presented to Public Management Seminar, Rutgers University-Camden, Camden, NJ.

Nickels, A. & Witucki, L. (2011). Women in Science and Engineering (WISE) and Mentoring. Keynote Address at American Association of University Women, Michigan Conference. Grand Rapids, MI.

Nickels, A. & Schenk, S. (2011). Social Change Leadership. Presented at Young Women, Strong Leaders Conference, sponsored by Michigan Women's Commission. Allendale, MI.

Nickels, A., Rowland, T., Fadase. O. (2010, October). Socially responsible students: Connecting academic coursework with leadership and identity development. Presented at Michigan College Personnel Association Conference, Grand Rapids, MI.

AWARDS, GRANTS & FUNDING

Research Grants

Rutgers' TA GA Professional Development Award (awarded 2015), "Power, Politics, and Participation: Municipal Takeover and Local Democracy." \$3,445. Dissertation completion award.

Rutgers' Research Council Grant (awarded 2013), "Principles, Prejudice, and Policies." Co-Author/ Co-PI, with Michael J Fortner.

Private Foundation Grants

American Association of University Women (AAUW) Campus Action Project Grant (awarded 2011), "WISE Program Multi-Level Mentoring," \$4,257. Co-author.

Michigan Women's Foundation Young Women for Change Grant (awarded 2009-2010), "NIARA mentoring program," \$3,200. Principle author.

Nokomis Foundation (Awarded 2006-2010), "V-Day College Campaign," \$100,000 [\$20,000 each year] Principle author.

Federal Grants

Department of Justice Office of Violence against Women (awarded 3 year grant; 2010-2013), "Grant to Reduce Domestic Violence, Sexual Assault, and Stalking on Campus," \$265,129. Co-author.

Travel Grants and Awards

Rutgers University- Camden, Graduate School of Arts and Sciences (awarded between 2012- 2015). Conference Travel Grants, totaling \$1,750.

Rutgers University- Camden, Graduate School of Arts and Sciences (awarded 2013-2014). Professional Development and Education Funding: IQMR, \$2,500.

Rutgers University- Camden, Department of Public Policy and Administration (awarded 2013-2014). Conference Travel Grant, \$250.

Rutgers University- Camden, Graduate School of Arts and Sciences (awarded 2012-2013). Professional Development and Education Funding: ICPSR, \$3,000.

ADMINISTRATIVE/PROFESSIONAL EXPERIENCE

Grand Valley State University Women's Center, Allendale, MI 2005-2011

Assistant Director, Outreach Coordinator, Graduate Assistant

- Coordinated Women's Center service, volunteer and leadership programs; which included the management and coordination of over 400 volunteers, 13 service leaders, and over 100 student activists each year.
- Organized women's leadership conferences and workshops in collaboration with Michigan Women's Commission, Michigan State University, and Michigan ACE Network.
- Worked collaboratively with Women and Gender Studies and Liberal Studies faculty to effectively integrate service learning and civic engagement into curriculum.
- Supervised up to five graduate and undergraduate interns each semester.
- Co-authored federal VAWA grant to develop campus programming and policy changes related to violence against women (OVW grant #: 2010-WA-AX-0018).
- Assisted in fundraising and development initiatives, including large scale event planning.

Grand Valley State University Human Research Review, Grand Rapids, MI 2005

Assistant

- Monitored, tracked, and reviewed all new, pending, and renewing Human Subject Review (IRB) applications.
- Worked in collaboration with HRRC chair to assure all university based research follows required federal and institutional protocols to protect human subjects.

St. John's Home (D.A. Blodgett-St. John's), Grand Rapids, MI 2004- 2005

Paraprofessional & Counselor

- Worked in a self-contained classroom for SI students, grades 3- 12.

- Provided emotional and academic support to students.
- Developed and assisted classroom teacher in implementing service learning programming.

YMCA of Great Grand Rapids, Grand Rapids, MI 1999-2004

Day Camp Director, After School Lead Teacher

- Managed afterschool and school break (summer, spring, winter) programming for school- aged children.
- Developed age-appropriate curriculum.
- Supervised between 2- 5 full time, part time, and temporary staff members.

PROFESSIONAL MEMBERSHIP

Member, American Society of Public Administration	2015- current
Member, Urban Affairs Association	2014- current
Member, ARNOVA	2013- current
Member, American Political Science Association	2013- current
Member, National Women's Studies Association	2010- current

HONORS & RECOGNITION

"Advocate Award," Young Nonprofit Professionals-Grand Rapids	2011
"Activist of the Year," Michigan NOW	2011
"Outstanding Internship Supervisor of the Year," GVSU	2010
"Make a Difference" Award, Women's Resource Center	2010
"Chapter of the Year," [accepted as president] Michigan NOW	2009
"Innovative Program," [accepted as Asst. Dir.] NASPA IV-East	2008
"Spirit Mind and Body Award," YMCA of Greater Grand Rapids	2003

SERVICE

Service to Profession

Board Member, Community & Grassroots Section, ARNOVA	2016
Member, Scholar Strategy Network	2016
Board of Editors, <i>Journal of Public Affairs Education</i>	2015- current
Reviewer, <i>Risks, Hazards and Crises in Public Policy</i>	2015- current
Symposium Guest Editor, <i>Journal of Public Affairs Education</i>	2015
Pre-Conference Organizer, APPAM	2014
Reviewer, <i>State and Local Government Review</i>	2014- current
Reviewer, <i>Journal of Public Affairs Education</i>	2011- current

Service to University

First Year Research Experience (FYRE) Mentor, Miami University	2015
Member, Public Administration Student Association, Rutgers	2011- 2014
Member, Rutgers Camden Strategic Planning Steering Committee	2012- 2013
Inclusion Advocate, Grand Valley State University	2010- 2011
Chair, Grand Valley State University Women's Commission	2009- 2011
Member, Grand Valley State University Women's Commission	2007-2011
Member, GVSU Nontraditional Student Taskforce	2007- 2011

Member, GVSU Allies and Advocates (Gay-Straight Alliance)	2006- 2011
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Service to Community and Board Membership

Literacy Support, Montgomery County Public Schools	2015
Library Volunteer, Collingswood Public Schools	2013-2014
Governance Committee, Women's Resource Center	2010-2011
Vice-President, Michigan National Organization for Women	2009-2011
Chair, Kent County Domestic Violence CCRT	2009-2011
Secretary, National Organization for Women- Grand Rapids	2010-2011
President, National Organization for Women-Grand Rapids	2007-2010