

**HARRISBURG CITY
BILL No. 9 -2016, As Amended
ADOPTING and APPROVING
MODIFIED ACT 47 RECOVERY
PLAN**

Approved 04-27-2016

**Approved Recovery Plan Includes
Review of Home Rule
Charter Process**

**Section No. 7
Exhibit No. 39**

BILL NO. 9 of 2016

Moved by: Walter R. D. Williams

An Ordinance adopting and approving modifications to the approved 2013 Recovery Plan for the City of Harrisburg, known as the Harrisburg Strong Plan, proposed by the Coordinator for the City of Harrisburg, and filed pursuant to the Municipalities Financial Recovery Act; and otherwise directing the preparation of ordinances, resolutions, agreements and other documents for consideration as would be necessary for the adoption and implementation of those measures enumerated for the financial recovery of the City.

WHEREAS, upon petition filed with the Commonwealth of Pennsylvania Department of Community and Economic Development (DCED) pursuant to the Municipalities Financial Recovery Act, Act 47 of 1987 ("Act 47"), the City of Harrisburg was declared a financially distressed municipality on December 15, 2010; and

WHEREAS, after a series of administrative and judicial proceedings related to a state of fiscal emergency within the City of Harrisburg, a modified Act 47 financial recovery plan prepared by the Pennsylvania Office of Receiver for the City of Harrisburg, titled the Harrisburg Strong Plan, was approved by the Commonwealth Court of Pennsylvania on September 23, 2013; and

WHEREAS, the Commonwealth Court of Pennsylvania granted an application of the Commonwealth made through the DCED Secretary to vacate the Order of Receivership, effective March 1, 2014, and, in conjunction therewith, transferred certain oversight responsibilities for Plan implementation to a new Act 47 Coordinator for the City of Harrisburg; and

30 **WHEREAS**, the DCED Secretary confirmed the appointment of Fred Reddig, of the
31 Pennsylvania Department of Community and Economic Development, as Act 47 Coordinator;
32 and

33 **WHEREAS**, in consideration of updated financial and operational information and
34 consistent with the provisions of Act 47, the Coordinator prepared proposed modifications to the
35 Recovery Plan, which he caused to be filed with the City Clerk and delivered to other
36 appropriate City officials, on or about November 25, 2015; and

37 **WHEREAS**, after the Coordinator and his Team provided public presentations of the
38 proposed modifications, the Coordinator updated the proposed modifications, which were
39 consolidated and filed with the City Clerk and delivered to other appropriate City officials, on or
40 about March 21, 2016; and

41 **WHEREAS**, the Council of the City of Harrisburg have determined that it is in the City's
42 best interest to adopt the Amended Recovery Plan at this time.

43
44 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
45 **HARRISBURG, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME**, as
46 follows:

47
48 SECTION 1. The Council of the City of Harrisburg hereby adopts the Recovery Plan for
49 the City of Harrisburg prepared and submitted by the Coordinator, and filed with the City Clerk
50 on March 21, 2016, including subsequent revisions thereto, if any, pursuant to Act 47, as
51 amended.

52 SECTION 2. The Council of the City of Harrisburg hereby approves the ongoing
53 implementation of the Amended Recovery Plan as prepared and submitted by the Coordinator,
54 and filed with the City Clerk on March 21, 2016, including the continuing provisions of the
55 Harrisburg Strong Plan as approved by the Commonwealth Court of Pennsylvania and any
56 subsequent revisions to the proposed Amended Plan, if any, pursuant to Act 47, as amended.

57 SECTION 3. THE CITY'S CONSIDERATION OF HOME RULE WILL BE BY WAY
58 OF A SEPARATE ORDINANCE.

59 SECTION [3] 4. The City Clerk and City Solicitor, and any other appropriate City
60 officials are hereby authorized and instructed to prepare for adoption any necessary related
61 ordinances, resolutions, agreements or other documents and revisions to ordinances, resolutions,
62 agreements and other documents necessary to implement the Amended Recovery Plan.

63 SECTION [4] 5. The Mayor, Council President, City Controller, and other appropriate
64 City officials are authorized and instructed to execute any and all documents necessary to
65 implement the Amended Recovery Plan, including any requisite applications for judicial review
66 and approval of modifications to the Harrisburg Strong Plan.

67 SECTION [5] 6. SEVERABILITY: If any provision, sentence, clause, section or part of
68 this ordinance or the application thereof to any person or circumstance is for any reason found to
69 be unconstitutional, illegal or invalid by a court of competent jurisdiction, such
70 unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining
71 provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the
72 intent of the Council of the City of Harrisburg that this ordinance would have been adopted had
73 such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been
74 included herein.

75 SECTION [6] 7. REPEALER: All ordinances or parts of ordinances in conflict
76 herewith be and the same are hereby repealed.

77 SECTION [7] 8. EFFECTIVE DATE: This Ordinance shall take effect in
78 accordance with applicable law, including as otherwise required by the provisions of Act 47, as
79 amended.

80
81 Seconded by: [Signature]
82

Passed the City Council April 27, 2016
Wanda R. D. Williams
President of City Council
Attest [Signature]
City Clerk

☒ Approved
☐ Returned to City Council with objections

[Signature]
Mayor
4/27/16
Date

YEAS		NAYS
	MR. ALLATT ✓	
	MR. BALTIMORE ✓	
	MS. DANIELS ✓	
	MS. HODGES ✓	
	MR. JOHNSON ✓	
	MR. MAJORS	Absent
	MS. WILLIAMS	
Yeas	4	
Nays	2	