

Respectfully submitted this 8th day of October, 2020.

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Date: October 9, 2020

To: The Honorable Bonnie Brigance Leadbetter

From: Marita J. Kelley, MPA, City of Harrisburg, Recovery Coordinator

Re: 2020 Third Quarter Update on the Coordinator's Plan Implementation

I am pleased to provide the Court with the quarterly update on the status of the implementation of the Receiver's Recovery Plan, as confirmed by the Court on March 9, 2012; on the Modified Plan, the Harrisburg Strong Plan ("Strong Plan"), confirmed by the Court on September 23, 2013 and the Strong Plan Modifications, as confirmed by the Court on July 20, 2016. This will be the twenty-seventh report to the Court since the appointment of the Recovery Coordinator by C. Alan Walker, effective March 1, 2014.

As the Coordinator, in accordance with Act 47, the Municipalities Financial Recovery Program, as amended by Act 199 of 2014, the Recovery Coordinator Team provided the Final Act 47 Exit Plan for the City of Harrisburg on August 8, 2018. The Act 47 Exit plan was not adopted by the Harrisburg City Council prior to its effective annulment by the passage of House Bill 2557, which became Act 124 on October 24, 2018. Under the new law, the Coordinator and Strong Plan shall remain in place until the Intergovernmental Cooperation Agreement (ICA) Executive Board and Executive Director are appointed, after which the ICA shall execute an Intergovernmental Cooperation Agreement with the City. Pursuant to section 706(1) of Act 124, the Strong Plan shall continue until the agreement has been executed by the ICA and the City. Under section 706(2), the City's Act 47 Distressed Status shall automatically terminate once the Intergovernmental Cooperation Agreement is fully in place.

However, the City and the Harrisburg Intergovernmental Cooperation Authority (the "ICA") have not yet executed the Intergovernmental Cooperation Agreement. Further, in the midst of these negotiations, on February 14, 2020, the City of Harrisburg filed a petition for review in this Court (180 M.D. 2020) alleging that the ICA has barred a Harrisburg official who is also an ex officio member of the ICA Board from attending executive sessions. Although Act 124 envisioned a quick transition to ICA oversight, nearly two years have passed since its passage and this Court should consider terminating the City of Harrisburg's distressed status and DCED's responsibilities under Act 47 as it deems appropriate.

This memorandum provides the Court with a summary of actions that have occurred and issues that are involved with the continued implementation of the Strong Plan, including the modifications thereto, through the third quarter of 2020, which concluded on September 30, 2020.

With the anticipation of the rescission of the City's Act 47 distressed status in the future, on July 15, 2019, DCED suspended the contracts for the Act 47 Consulting team that has been working with the Act 47 Coordinator since the inception of the Receivership. The Act 47 Coordinator continues to perform her duties as assigned which largely includes biweekly check run reviews and cash flow status analysis. She also coordinates and cooperates with the City Council President, Wanda Williams, Business Administrator, Marc Wholley, and Accounting Manager, Bryan

McCutcheon, regularly to maintain input and status of the Strong Plan Activity until the Intergovernmental Cooperative Agreement is finalized and the City Exits Act 47. She will review and provide input on the 2021 Annual Budget Proposed and Final 2020 Adopted Budget, as is required under the provisions of Act 47 of 1987.

During the past three months, (July, August, September) the Coordinator has been working with the City of Harrisburg's Mayor, Finance Department (Accounting Office), and City Council President, and Council Members to continue to monitor the budgetary and other related activities through the end of the Third Quarter of fiscal year 2020 and looking forward to discussing the 2021 Proposed Budget.

The City's General Fund, available cash balance as of September 30, 2020 stands at \$28.5 million dollars, which is \$8.6 million dollars lower than the cash balance available on June 30, 2020. The City transferred \$8.1 million dollars to the Debt Service Fund for a Debt Payment on September 15, 2020. This included General Obligation Bond, Series D Bond for \$1,485,000, General Obligation Series F Note for \$6,465,000, Bond Insurance Debt Payment to AMBAC Assurance Corporation \$76,429, and M&T Bank – Streetlight Upgrade Project Debt for 96,535. On September 30, 2020 The Neighborhood Service Fund available cash balance is \$8.6 million dollars, nearly equal to the cash balance at June 30, 2020.

On May 21, 2018 the Commonwealth of Pennsylvania, et al., filed a complaint against seven professional firms based on the Harrisburg incinerator project and the series of financing transactions. The case is filed in the Commonwealth Court at 368 MD 2018. The Petitioners are represented by Harris, Wiltshire & Grannis LLP. In early September 2019, the Commonwealth Court held oral argument on preliminary objections filed by the seven professional firms seeking to dismiss the complaint. The parties are awaiting a Court decision.

Please review the report provided here forward.

Office of the Receiver/Coordinator

It has now been just over six years and seven months since your Honor issued an order on February 25, 2014 to vacate the Office of the Receiver, return the City to the underlying provisions of Act 47, and for DCED's Secretary appointed a Coordinator to oversee the further implementation of the Court confirmed Strong Plan. As part of the order vacating the Receivership, the Court retained jurisdiction over the further implementation of the Strong Plan. Consistent with the Court's order and to keep the Court apprised of the Recovery plan's status and Harrisburg's Recovery, I am providing this third quarter 2020 report on the City's progress with further implementation activities.

The Third Quarter of 2020 continues to be impacted by the pandemic nearly seven months since the Governor commenced stay at home orders for the City of Harrisburg and the County of Dauphin. The City of Harrisburg was effectively shuttered from March 22, 2020 to June 1, 2020 as the Governor and the Health Department Secretary have struggled with containing the COVID-19 pandemic. All non-essential businesses within the City limits were closed. This of course, included the Commonwealth of Pennsylvania's Capital Complex where several thousand workers have been working remotely since March 16, 2020, to effectively reduce the risk of COVID-19 spread and save lives. The City entered the Green Phase on May 29, 2020 allowing an ease of business restrictions and permitting businesses to operate under strict guidelines defined by Secretary Rachel Levine, Department of Health. The long-term impact of these closures and

restrictions to the economy is not clearly known; however, it will take some time for full economic recovery for the City and the Region.

For the City of Harrisburg, the economic impact of this situation remains a great concern, and its full impact will likely be felt for months and even years to come. Both the Federal and State Governments have taken steps to assist local government economies by providing Federal CARES ACT funding support for businesses and related business activities. The economic stability programs for small and large businesses will hopefully keep the economy neutralized during this crisis. Given these robust relief efforts, the City Officials along with the Impact Harrisburg Board Members, believed that it was most prudent to examine the Federal/State Economic and Business stimulus packages in order to determine what gaps would remain for the local government to likely fill.

Subsequently, the City of Harrisburg's Mayor and City Council joined forces to assure that small businesses (especially the Sole-Proprietor or small Family-Owned Businesses that might not benefit from the federal and state programs) can remain viable during this pandemic. In an unprecedented move, the Pennsylvania Department of Community and Economic Development represented by the City of Harrisburg Recovery Coordinator, the Dauphin County Commissioners, the Mayor, City Council, Capital Regional Economic Development Corporation (CREDC), and Impact Harrisburg, Board of Directors formed an alliance to create the City of Harrisburg, Special Committee on Covid-19 Response for Small Businesses.

As the result of this collaborative effort, the Neighborhood Business Stabilization Program (NBSP) was formed. This program was a joint effort by the City of Harrisburg and Impact Harrisburg Board. As part of this program individual's that qualify, could receive grant(s) of up to \$10,000. These grants were offered to the City of Harrisburg's Neighborhood Businesses who are fiscally impacted as the result of the COVID-19 Pandemic. The primary goal of this program was to leverage available dollars to assist Neighborhood Businesses to survive as this health crisis continued into May. The Neighborhood Business Stabilization Program assisted 315 small "mom and pop" businesses and local non-profit entities for up to \$5,000 each. All monies were dispersed in May of 2020. The emergency cash flow that this grant provided helped these small business and non-profit employers sustain their business during this crisis. This joint effort provided business and non-profits sustaining funds that permitted the employer to pay necessary workers, fill inventory, and continue business after the shuttering during COVID-19.

Those eligible for the program must have been City of Harrisburg's licensed businesses located within the City corporate limits. A strong preference was given to businesses which are owned and operated by City residents. Also, a preference was given to Minority Owned Businesses (MBE) and/or Women Owned Businesses (WBE).

Applicant businesses should have under \$100,000 in the most recently reported annual gross revenue and at least half of the grants will be directed to businesses with annual gross receipts of under \$500,000. These businesses must also demonstrate or project a reduction in monthly revenue of more than 25% as a result of COVID-19. These grants must also be used in promoting the interests of this program and of the business. This program may be used in conjunction with SBA loan or grant; however, the exact benefit cannot be duplicated.

The grants may be used for emergency operating funds for neighborhood businesses that have been closed or their customer base severely reduced due to the health crisis. Eligible funding may be used to pay mortgages, utilities, payroll, vendor supplies, and other outstanding vendor invoices.

The program, remarkably, commenced on April 20, 2020 and the applications were considered on a rolling basis, until the funds were depleted. Applications were reviewed by the Special Committee on COVID-19 Response for Small Businesses and a decision was conveyed to the applicant by May 7, 2020.

As the City mitigates this critical fiscal and economic challenge, it is evident that the leadership at the City of Harrisburg, the Mayor and City Council, along with the Board of Impact Harrisburg has demonstrated an immense desire to assist the City Neighborhood Businesses. The above program took less than a month to be formulated and executed. These actions displayed the true capacity for the City's leadership to assist in resolving daunting fiscal and economic issues and related crisis.

During the third quarter of 2020, the Recovery Coordinator continued to oversee the implementation of the Act 47 Strong Plan's modifications. The modifications provide financial analysis and input, along with attendant recommendations that will advance the City's recovery towards the ultimate Rescission or Exit of its Act 47 designation. The modifications recognize the current financial position of the City and provide a fiscal roadmap for City officials to advance their recovery until the ICA enters into an Intergovernmental Cooperation Agreement with the City. Until such time, however, the Strong Plan remains in place and the City retains its Act 47 Distressed Status.

The capital improvement programming for services that are essential to improve the City's quality of life and economic vitality, were incorporated into the 2020 approved budget. In fact, the Mayor and City Council have committed appropriate funding for capital improvements and investments in the City's assets. Most of the capital improvements are for IT, Public Works, Municipal Building facilities, and Public Safety facilities. Where possible the City Officials have made every effort to seek federal, state, and local grant funding to assist in the execution of the capital programs proposed.

As Coordinator, I prepare Cash Flow Estimates based on the City's Check Run activity. During the third quarter I have reviewed six City of Harrisburg's Check Run and Cash Flow reports. I continue to monitor the implementation of the Strong Plan Modifications and the proposed Act 47 Final Exit Plan until the planned exit from Act 47 is executed.

The following sections of the report provide an updated summary of progress of the Harrisburg Strong Plan made with respect to:

- Impact Harrisburg – Non-Profit for Infrastructure and Economic Development
- Fiscal Issues
- Operational Matters
- Trimont Parking Report

Impact Harrisburg

As mentioned earlier in this report, the Impact Harrisburg, Board of Directors has taken significant steps to assist during the COVID-19 Pandemic. In addition to their normal duties, the Impact Harrisburg's Boards' call to action, during this social and economic challenge, was extraordinary. The Board immediately met to discuss the COVID-19 Pandemic crisis and the related shuttering of City of Harrisburg's businesses. It is evidenced above just how serious thus Board's

commitment is to the City of Harrisburg. Every Impact Board member and the Executive Director rallied to the need of the neighborhood business community.

The Impact Harrisburg Board has made a commitment to continue to respond to small business needs during this crisis so that the “core,” businesses in the City, that make up the economic vitality of the City and Region, can successfully continue to provide important services.

Despite the crisis, Impact Harrisburg Board continued to move forward with Infrastructure and Economic Development project grants that the Board has awarded. The Board is responsible for the administration of the \$12.3 million set aside as part of the parking transaction to fund both economic development and infrastructure initiatives to aid the City in strengthening its tax base and addressing critical infrastructure needs, thus enhancing the quality of life for City residents.

The Impact Harrisburg board met in August and September 2020 to further discuss future projects and the closing of the existing grants found below.

At its August 2020 meeting the board approved the draw request of the Harrisburg Redevelopment Authority in the amount of \$25,106.47.

At the September 2020 meeting the board voted to approve extensions of outstanding grant agreements until September 2021.

The following grantees have projects that are in various phases of implementation, and are thus subject to the grant extension referenced, above:

1. The Tri-county Community Action Commission;
2. The East Shore YMCA;
3. The Harrisburg Redevelopment Authority;
4. The City of Harrisburg/Capital Region Water Parks Project;
5. The City of Harrisburg/Capital Region Water Multimodal Project.

Projects Funded/Grant Amount/Project Status as of October 7, 2020:
Completed Projects:

1. City of Harrisburg Microsoft Office 365 (\$250,000 grant)
2. TLC Construction and Renovations (\$500,000 grant)
3. Webpage FX (\$500,000 grant)
4. Paxton Street Home Benevolent Society (\$100,000 grant)
5. Harrisburg River Rescue (\$81,369 grant)
6. Gamut Theatre (\$250,000 grant)
7. YMCA Camp Curtin (\$500,000 grant)
8. City of Harrisburg Playground Resurfacing (\$250,000 grant)
9. Tri-County Housing Development Corporation (\$370,000 grant)
10. Capital Region Water/City of Harrisburg Multi-Modal Collaborative Facility (\$5,797,701.17 grant)
11. Salvation Army for new facility multi-purpose facility (\$500,000)
12. Harrisburg Redevelopment Authority (\$500,000 grant)

13. East Shore YMCA (\$138,592 grant)
14. Tri-County Community Action Commission (\$204,759 grant)
15. Community First Fund (\$350,000 grant)

A uniform grant agreement was developed and has been entered into by all grantees with the exception of Community First Fund with which Impact Harrisburg established a stand-alone agreement because of the unique nature of the purposes of the small business grants (less than \$5,000) which will be utilized with the grant funding.

In addition, to ensure close adherence with all grant program requirements and any applicable state, local or federal laws, the board developed a Request for Proposal under which the organization retained the services of two compliance professionals with extensive expertise in the grants management area. The two individuals work in close coordination with the Executive Director to provide oversight and technical assistance to grantees as is necessary and appropriate. The team and Executive Director developed various program templates and processes for working with grantees in a uniform and consistent manner. To date, the compliance consulting team attends many board meetings and provides consistent updates on all projects through a shared drive electronic medium (accessible by grantees and board members) as well as via written reports. After serving in this capacity for one year the board deemed it prudent to extend the compliance contract for one year, given the high quality and value of the work performed by the compliance consultants and the remaining number of grantees with future project start dates.

Impact Harrisburg's 2020 Annual Report to the Community has been prepared and is awaiting final review by the Board before the full report is released. This report will itemize the many successful projects the Board of Directors has undertaken.

[The Harrisburg Business Opportunity Fund](#)

Impact Harrisburg has decided to shift the focus of this program from a low interest loan to a small grant program (less than \$5,000) that can assist businesses with their initial start-up costs. The Board is drafting strict guidelines to assure the proper spending for this programmatic change.

[Harrisburg Supplemental Growth Fund](#)

Introduction

In addition to repaying hundreds of millions of dollars in debt of the City, the Strong Plan envisioned an additional approximation of \$26 million infusion of cash that will benefit the City. Of this amount, \$3.3 million dollars would be deposited into an OPEB Trust Fund, and the remaining \$22.7 million would be used for economic development and infrastructure. To achieve a portion of these goals, PennDOT committed the City of Harrisburg to provide \$12.0 million annually over a seven-year period toward infrastructure repair in addition to existing funding commitments.

After closing on the Strong Plan transactions, it was determined to establish ***Impact Harrisburg*** which would combine the Infrastructure and Economic Development aspects of the plan into one fund. Impact Harrisburg's progress is carefully outlined above.

PennDOT funding. The City received formal approval from PennDOT through grant funding to undertake much of the street related improvements. The project included significant modernization of the Third Street corridor in the City from Market to Division Streets. This project

was finished in January 2020. This project included a complete overlay of Third Street as well as ADA compliance walkways and Traffic Calming intersections. Additional PennDOT funding has been secured for several road projects scheduled for the Fall of 2020, some of the road projects were delayed due to the Pandemic.

Future Transfers to OPEB Trust and Impact Harrisburg.

1. OPEB Trust – Now that the Escrow Agreement has been terminated and proceeds maintained thereunder have been distributed, the OPEB Trust Fund documents will need to be finalized. The OPEB Trust, has \$3,300,000 that was slated in the Strong Plan to be available for such purpose. |

2. Supplemental Funds – Supplemental Funds include any recoveries from pursuit of Incinerator Claims. Supplemental Funds may eventually also include payments of surplus note amounts to the City pursuant to the parking transaction indenture.

Fiscal Matters

The current 2020 General Fund Amended Budget after budget amendments and budget reallocations represents General Fund Revenues of \$77,211,853 compared to the 2019 General Fund Amended Budget Revenues of \$75,426,550 and 2020 General Fund Amended Budget Expenses of \$77,211,226 compared to General Fund Amended Budget 2019 Expenses of \$75,421,435. The current budget is approximately 2.5% higher than the 2019 General Fund Amended Approved Budget in 2019. As for the Neighborhood Services Fund Budget in 2020, the Revenues and Expenses were equal; therefore, producing a balanced budget.

A review of actual Revenues and Expenditures through the September 30, 2020 the following General Fund revenues were \$43,192,719 (55.94% of budget) while expenditures were \$43,071,554 (59.73% of budget). Given the current COVID-19 Pandemic fiscal crisis, the fact that the City's revenues and expenditures were lower than normal, through the nine-month period, is notable. In fact, at the end of the Third Quarter revenues and expenses are usually at or near 75%. For example, September 30, 2019 the following General Fund revenues were \$56,427,541 (75% of budget) while the expenditures were \$53,167,990 (70.7% of budget.)

On September 30, 2020, the City's General Fund available cash balance was approximately \$28.5 million. It is notable that the General Fund available cash balance has decreased by \$8.6 Million Dollars since the last quarter ending June 30, 2020. The City of Harrisburg, General Fund transferred \$8.1 Million Dollar to the Debt Service Fund for a debt service payment on September 15, 2020. The COVID-19 Pandemic has also impacted the City's cash balance. The Mayor and Business Administrator have made every effort to curb cost and to keep the extraordinary situation from becoming worse during the Pandemic. The Neighborhood Services Fund (NSF) had an available cash balance of \$8.6million, which is nearly the same cash balance on June 30, 2020.

The City's bi-weekly General Fund payroll averaged \$950,000 for the Third Quarter and the Neighborhood Services Fund bi-weekly payroll averaged \$150,000 for the Third Quarter.

The Coordinator reviews City payables for both the General Fund and Neighborhood Services Fund on a bi-weekly basis. During the third quarter, there were six bi-weekly check runs which were reviewed, and comments were provided to the City.

Due to the significant variances anticipated as a result of the COVID-19 financial crisis, the General Fund and Neighborhood Services Fund's revenues and expenses will fluctuate, and it will be difficult and challenging to render appropriate estimates or forecasts for Fiscal Year 2021 Budget. Ultimately, the COVID-19 fiscal crisis will impact revenues and expenditures for this year and the coming fiscal year. It is possible as the Pandemic continues into the new Fiscal Year 2021, it could likely impact fiscal year's 2022 revenues and expenditures forecasts.

The Strong Plan modifications included several recommendations related to capital improvements. As the City's recovery progresses, it will have to fund capital projects through a combination of grant funds, borrowing, and pay-as-you-go (PAYGO). The 2020 budget has taken advantage of federal, state, and local grants, some COVID-19 related and likewise will use a portion of its fund balance on a PAYGO basis to address targeted capital needs primarily in the IT, administration, public safety and public works departments.

During the third quarter of 2020, the City continued to provide the appropriate Material Event Notices on EMMA related to debt obligations and has maintained compliance with Securities and Exchange Commission (SEC) reporting requirements.

The City has commenced its 2021 Budget Process and the Mayor's budget will be presented to the City of Harrisburg City Council on Tuesday, November 24, 2020. The City Council has until December 31, 2020 to adopt the final approved budget.

Operational Issues

During the second quarter 2020, the City of Harrisburg with the support of the Recovery Coordinator, made further progress on a number of key Strong Plan operational initiatives. A progress report regarding these areas, as well as other key Strong Plan operational priorities and initiatives, is detailed below.

The City received an Act 47 grant in the amount of \$465,380 to support implementation of four key Strong Plan initiatives relating to augmentation of managerial capacity. The primary areas of focus relate to the utilization of Act 47 grant resources to augment managerial capacity; enhance IT infrastructure development, strategic planning, project management capacity; and creating lasting improvements in the City's refuse and recycling collection operation. This grant closed on June 30, 2020. This grant has greatly assisted the City with managerial capacity.

Operating Departments/Offices

The City of Harrisburg has made progress on several important initiatives in the City's operating departments. A summary of the status of those active projects and initiatives is detailed below.

Finance and Administration

In the area of finance, administration, and support services, the City has made progress in a number of key areas and is working on several ongoing projects. The City Administrator is focusing on the development of a strategic operating plan for the City which will include a new organization chart. The City Business Administrator is working to clarify and prioritize operating, management, and resource challenges. This is especially important in the City's key support services areas such as Finance, Human Resources, and IT. These will be priority areas of focus for the City's administrative functions going forward.

Updates to the City's Strategic Management Plan will be incorporated into the 2021 Budget Process. The Act 47 Coordinator's will review the plan for compliance with the City's Strong Plan and broader Act 47 plan initiatives.

The Finance Bureau and Controller's Officer continue to work closely to monitor and improve the purchasing control process. The City is currently seeking to improve the contract review and management process, which is an important element of the purchasing process.

Information Technology

The age and condition of the City's Information Technology infrastructure continue to be a major structural challenge for the City; however, notable progress has been made. The City signed an agreement with CODY to migrate the mainframe from METRO and Dispatch database and the In-Synch database to the CODY system. The data migration will be completed this year. In addition, the City has started looking for a vendor to migrate the City finance and revenue databases to a new system. The other system is the Personnel Management System. The data migration for the entire system will take several more years to complete.

Community and Economic Development

In the Community and Economic Development area, the City has seen much progress. At the end of 2016, a \$3.5 million state Redevelopment Assistance Capital Program (RACP) grant was awarded to developers to assist with an \$8 million investment in commercial and residential revitalization in mid-town. A second RACP grant of \$3 million was awarded to the City to launch the revitalization of an entire neighborhood in Allison Hill (MulDer Square) with new streetscaping, affordable apartments, and retail stores. The MulDer Square housing project is in its final phase and has been extended until the end of Fiscal Year 2020 to allow for the completion of the project.

Police Bureau

During the past several months, the City Police Commissioner, has been engaged in fielding citizen's questions about social justice issues in the wake of the George Floyd's killing in Minneapolis, in May of 2020. The City's Police Department is a Nationally Accredited Police Department that monitors closely police officer's activities for multiple reporting purposes.

The City is scheduled to provide Hazard Pay to Police Officers who were active during the Pandemic. The City has applied to the 2020 Dauphin County, COVID-19 County Relief Block Grant to support the payment of the Hazard Pay to first responders during the health crisis. Dauphin County will be announcing these grants allocations in the near future.

Within the Police Bureau, staffing levels continue to be the primary challenge for the Bureau. In addition, it is anticipated that during fiscal year 2020, the Bureau could lose up to 40% of police personnel due to anticipated retirements. The Police Chief is concerned about the potential notable loss of tenured employees due to retirement. This is the reason that the new FOP contract includes both wage and benefit enhancements for patrolmen. The new contract was passed in December 2019.

Fire Bureau

The Fire Bureau is making progress in a number of key areas as well. Currently, the Bureau is staffed with 81 bargaining unit members, two management chiefs, and one management administrative assistant. Total complement is budgeted at 86 personnel. The Bureau administered a civil service exam in December 2019 and has established a new hiring list. The Bureau plans on hiring new patrolmen in the Spring Fire Academy of 2020, from the newly created list, to account for anticipated retirements.

The Fire Bureau Personnel will also be receiving the 2020 Hazard Pay for first responders who were active during the Pandemic.

Neighborhood Services Department

The Neighborhood Services Department has been actively engaged in a number of key projects in the refuse and recycling, maintenance, and infrastructure development areas. The City has a contract with the Borough of Steelton to pick up its trash and recycling. This is a major advancement of using the City's resources to assist a neighboring community.

Many of the Neighborhood Services Department Personnel are also critical to the City's necessary operations.

Traffic and Engineering

The Traffic and Engineering Division has made progress updating the City's traffic signal infrastructure. Funding for the remaining signals is included in 2020 budget.

The Third Street Multimodal project is now complete despite the delays and over a million dollars in cost overruns due to Capital Region Water's redesign and inclement weather. The project was completed in late 2019.

Lastly, the City completed its Vision Zero Action Plan, this commitment is designed to eliminate traffic fatalities and serious injuries in the City within 10 years. This was a recommendation in both versions of the draft comprehensive plans. Thus far, the City has received strong support from the public and PennDOT. As the City develops their Vision Zero Action Plan through a grassroots effort with neighborhood groups and the community coming together for the common purpose of traffic safety, they expect to not only save lives but to positively impact community goodwill and City livability. The Plan is to be fully implemented by 2028.

Solicitor's Office

The Commonwealth of Pennsylvania, et al., filed a complaint against seven professional firms based on the Harrisburg incinerator project and series of financing transactions. The case is filed in the Commonwealth Court at 368 MD 2018. The Petitioners are represented by Harris, Wiltshire & Grannis LLP. In early September 2019, the Commonwealth Court held oral argument on preliminary objections filed by the seven professional firms seeking to dismiss the complaint. The parties are awaiting a Court decision.

Park Harrisburg Fiscal Year 2020 Operating and Capital Budgets Projections

As a result, of the CODID-19 Pandemic on March 20, 2020, Governor Wolf issued an Executive Order relating to sheltering in place to protect against the spread of the virus. The State Capitol effectively closed its offices in the Harrisburg Central Office. Along with the Capital Complex being shuttered, remote work/school, reduced travel and entertainment, and a general conservative approach to stay-at-home safety, there have been continued lower usage and related revenue reduction for the parking system in Quarter Three of Fiscal Year 2020. Consequently, the demand for parking in the Park Harrisburg System has been reduced significantly during the months of April through September, and perhaps longer as the Pandemic has not yet been fully contained. As a result, demand for parking in the Park Harrisburg system has been significantly reduced.

Reduced demand resulted in lower revenues and a shortfall of meeting the Series B and C debt service totaling \$1,150,000 and is due October 1, 2020. The next debt service payment date is January 1, 2020 and projected shortfalls of interest and principal payments due at that time would likely be advanced from the reserve contracts with the Credit Enhancers.

John Gass from Trimont Real Estate is communicating and seeking advice with the Pennsylvania Economic Development Financing Agency (PEDFA), and the Credit Enhancers, Assured Guaranty and Dauphin County, on this matter. He is also providing representatives from the City of Harrisburg and the Harrisburg Parking Authority with the monthly cash flow results.

The comments below consider the reduced revenues, expenses, and other factors related to issues described above.

Projected Revenue and Expenditures

The Projected 2020, Third Quarter (July, August, September) were approximately 26% below for the Third Quarter for 2019 revenues. Preliminarily, September 2020 revenues were 30.0% less than the September 2019 revenues.

The 2020 Third Quarter operating expenses through September decreased approximately 5.0% from the same period in 2019. The reductions included lower expenses associated with system usage such as back transaction fees and data fees.

The 2020 operating budget has been approved by the Credit Enhancers. The 2020 operating budget reflects increases in Meter Rates from \$3 per hour to \$4 per hour in the Central Business District, increase in monthly garage contract parking rate from \$210 to \$217 per month and increase in ticket rates from \$30 to \$40 per ticket. Payments under the DGS lease will increase per the terms of the lease. The 2020 budgeted operating expenses will increase by 5% from the 2019 budgeted operating expenses. An interim Capital Budget for 2020 is in place in the amount of \$1,250,000 equal to the amount in the CDM Smith report for 2020.

Note the increase in Meter, Monthly Garage Contract, and Ticket rates that were expected to be announced in March of 2020 have been put on hold pending further review of the effects of the COVID-19 virus on parking demand.

Through October 1, 2020, the City has been paid \$231,331 which represents \$649,717 less than the fully scheduled amount due. Through October 1, 2020, HPA has been paid \$287,388 that represents \$807,388 less than the full scheduled amount due. The City was paid approximately \$713,000 in parking tax for the Third Quarter 2020.

Through October 1, 2020, no funds have been deposited for Performance Fee or for PEDFA fees.

Through October 1, 2020, no funds have been deposited in the Capital Reserve. The balance in the Capital Reserve account as of 9/30/2020 was \$2,750,000.

Capital & Operational Improvements

Capital Improvement Projects underway in 2020 include concrete repair at Chestnut Street Garage, barrier cable replacement at the 5th Street Garage, and elevator repair at the Chestnut Street, 5th Street, River Street, and Walnut Street Garages.

The project entered an energy saving contract and it has saved \$10,000 Year-To-Date through September of 2020.

5-7 Free Parking program

Dauphin County, the City of Harrisburg and the Harrisburg Downtown Improvement District (the "DID") agreed to fund a pilot program where the three parties pay Park Harrisburg in an amount equal to \$270,000 in return for free meter parking in the DID area from 5-7pm Monday through Saturday. The \$270,000 amount is the estimated meter revenue which the system collected from the DID area for the 5-7 pm time period. The program commenced on April 1, 2018 and will be reviewed for renewal each year.

Note that as there were relatively small amounts of Meter revenues during the Third Quarter 2020; therefore, a reduced amount for the free 5-7 Parking Program will be calculated and provided to participants.

ParkMobile

ParkMobile, the parking application provider for the meter system, had approximately 60,000 transactions for the period through September 30, 2020.

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**City of Harrisburg
Parking Revenues**

Table 1

Group	Account Description	2014	2015	2016	2017	2018	2019	6/30/20
Parking Taxes	MBP PARKING TAXES CURRENT	3,100,722	3,289,446	3,769,704	3,668,788	3,942,440	4,265,145	1,026,237
Parking Taxes	MBP PARKING FEE	16,721	11,573	13,724	12,580	14,774	9,000	1,846
Parking Fees	PARKING LICENSE FEE-PRIOR	3,266	2,131	710	4,076	0	368	0
Parking Fees	PARKING LICENSE FEE-PENAL	3,477	2,007	3,010	3,284	1,459	2,073	0
Parking Fees	TOWING FEES	28,360	21,665	22,595	20,706	21,144	13,705	2,195
Parking Fees	METER BAG RENTAL	62,834	21,504	24,116	49,312	53,848	31,912	3,680
Parking Fees	FINE AND COSTS	72,570	49,535	42,244	13,627	28,866	28,751	454
Parking Fees	BOOTING FEES	14,595	8,850	3,300	2,925	1,575	2,850	
Parking Tickets	PARK TICKETS-VIO FINE	475,248	463,641	447,119	376,923	420,396	381,107	62,962
Ground Lease Payment	PRIORITY PARKING DISTR.	900,000	527,900	1,093,623	974,526	1,460,125	1,275.29	231,330
Priority Parking Distribution	PRIORITY PARKING DISTR.	1,100,000	636,951	1,717,788	1,457,735	2,097,494	2,241,682	287,388
Rental Income	HPA RENTAL INCOME	20,800	0	0	0	0	---	0
HPA Coordinate d Pkg	HBG PRK AUTH COORD PKG	0	0	0	0	0	---	0
	Total Parking Revenue	5,798,593	5,035,203	7,137,933	6,584,482	8,052,120	8,251,882	1,610,092

**Ground lease payments and Priority Parking payments were inflated in 2018 due to the global settlement reached by all parties (creditors, City, County, PEDFA) in resolving discrepancies with the parking bond indenture.

Accruals

The Trustee has provided an opinion on language in the bond indenture related to the waterfall payments. PK Harris, the Asset Manager, engaged CDM Smith to update the capital study in order to factor in capital requirements for the system as part of a term sheet. Subsequent to the completion of the updated capital study, AGM and Dauphin County, in their role as credit enhancers and creditors, prepared a proposed term sheet for discussion. Several positive meetings were held between the creditors and the City to discuss the term sheet. It is the Coordinator's belief that a mutually acceptable resolution that balances the needs of the parking system and the City can be reached by the parties.

Capital and Operational Improvements

Capital Improvement projects include:

1. Concrete repairs and generator replacement at the Locust, Market Square, Chestnut and Walnut Street Garages. A new roof for the Chestnut Street Garage was installed.
2. Repaving of the 7th Street Lot and sealcoating of the 10th Street Lot and Mulberry Street Lots. As a result, of additional research on cost saving measures by the Operator, SP+, the final cost of repaving the 7th Street lot was \$300,000 below estimates in the Capital Study.
3. A new 10-year Capital Study has been completed and will be utilized for identification of capital improvements by year for the future.

Resource Recovery Facility

Results for 2014 – 2020

The Lancaster County Solid Waste Management Authority (LCSWMA) has operated the resource recovery facility since December 2013. Tonnage from the City, delivered to the Susquehanna Resource Management Complex (SRMC), exceeded the City's minimum required 35,000 tons in 2014, 2015, 2016, 2017, 2018, and 2019. As of the end of the Third Quarter, September 30, 2020, year to date, tonnage from the City disposed of at the Susquehanna Resource Management Complex (SRMC) was approximately 192,459 tons. It is running lower last year at this point but is on target to again meet the 35,000-ton minimum by December 31, 2020.

The City also receives an annual Host Fee from SRMC.

Resource Recovery Facility COVID-19 Update

According to the report provided on September 30, 2020 by Ms. Sandoe, Chief Commercial Officer, LCSWMA, the impact of COVID-19 was significant for LCSWMA's operations. Following the guidance from Commonwealth agencies, staff began a stringent cleaning protocol very early in the cycle of the COVID-19 Pandemic. Areas of heavy customer usage, such as the scale house, were cleaned hourly and often more frequently. Now that Dauphin County is in the Green Phase the Facility was able to open for customer deliveries on Saturday. Concurrently, revised facility hours have been implemented, based on customer usage data and business need.

Substantial planned outage work was completed during summer months and they include minor two-day boiler cleaning outages. September through December 2020 will be very busy with major planned outages, as some of the work originally scheduled for spring was pushed to the fall due to contractor availability.

For the safety of staff and the community, LCSWMA discontinued the collection by weighmasters of paper manifests. Customer-facing staff are also practicing social distancing and wearing facial masks for their safety. No cash will be accepted by customers.

Harristown Development Corporation(HDC)

Harristown Development Corporation (HDC) continues to actively pursue additional development opportunities in Strawberry Square and the surrounding neighborhood. Strawberry Square itself is a great redevelopment story based on the 17-year Commonwealth lease for the Commonwealth Tower.

Brad Jones, Director of Harristown Development Corporation (HDC), has provided detailed information concerning events and projects for Harristown Development and the Central Business District that surrounds it. Unfortunately, things were dramatically different in the first half of the calendar year due to the full-blown pandemic that impacted Strawberry Square as most of Center City was shut down until early June 2020. This shut down has greatly impacted Strawberry Square and Harristown Development Corporation activities. Brad provided a brief update for Third Quarter activity for HDC.

Strawberry Square

Strawberry Square re-opened on June 1, following a 10 ½ week closure due to the pandemic. Vendors have been open on a limited basis since that time; however, foot traffic through the Square is extremely light. We have been advised that state employees will not be returning to their offices prior to January 1, 2021.

Harristown hosted a promotion in August to assist the food and beverage vendors by offering Free Food Fridays. Over 2,800 customers printed coupons and took advantage of the free lunch offer; Harristown reimbursed food and beverage vendors approximately \$26,500 for the lunches they gave away.

In addition, Harristown has offered three separate rent credits since May, as well as additional rent payment deferrals into 2021 in an effort to assist our tenants through this crisis.

With offices experiencing very limited in-person usage, utility costs have decreased dramatically over the past six months.

Lease Renewals

The following tenants have renewed their leases in Strawberry Square:

Amma Jo	Pugliese
CAT	Associates
Ideas & Objects	RGS
PPL	Temple
	University

New Tenants

Pedego Harrisburg – Electric Bikes has signed a lease for 2,500 square feet @ 17 N. 3rd
Boneshire Brew Works has signed a lease for 1,000 square feet at 13 S. 3rd Street.

Tenants Leaving

A number of tenants have been unable to weather the pandemic and have ended their leases (either through termination or expiration):

Bagel Lovers	Modern Jewelers
Blue Door Vaping	Strawberry
Fitness U	Gifts
	Subway

New Projects

“Fit on Market”, a new 3,000 square foot boutique fitness center, is under construction in the former G-Man space and is scheduled to open in late October.

CASA completed 10,000 square feet, \$1.7 million renovation on the 3rd floor of Strawberry Square and opened to students on August 31st.

Harrisburg University is taking over 8,000 square feet of classroom space returned to us by Temple University.

Due to the cancellation of the international student work and travel program at the International House, the decision was made to turn those units into market-rate apartments.

- 318/320 Chestnut Street is now Dewberry Station – 11 fully-furnished, moderately priced units which are all-inclusive.
- 312/314 Chestnut Street is now International Place – 14 fully-furnished 1 and 2-bedroom units which are all-inclusive.

The Menaker Apartment project is now underway to renovate 17 S. 2nd Street into 29 apartment units. Interior demolition should be complete by October 2020.

Senator's Stadium Bonds

The park permit/lease with the Harrisburg Senators for the City Island stadium remains an issue as the City has had to make up the difference in debt service from what the permit revenue provides. This amounted to between \$180,000 and \$200,000 annually and has continued to be a growing obligation. This has been a considerable burden on the City as the Pandemic enters its eighth month. The goal of the Receiver, and now Coordinator, was for the City to enter a new permit/lease that insured adequate revenues paid from operations of the Stadium to fulfill the debt service obligations on the stadium bonds without further burdening City taxpayers. The City and Coordinator met on several occasions to discuss options and staffing for reaching out to the parties involved. The City has now assumed responsibility for the "Senators' Stadium" financing matters which concerns the repayment of the bonds for the stadium.

Wastewater and Storm Water Compliance – Partial Consent Decree

The US Department of Justice and the US Environmental Protection Agency ("EPA"), along with the Pennsylvania Department of Environmental Protection ("DEP"), viewed the transfer favorably due to the capacity and expertise at CRW that would ensure the system's compliance with the Clean Water Act and Chesapeake Bay requirements.

Fortunately, CRW has complied with all milestones of the Partial Consent Decree entered by CRW, the City, the State Department of Environmental Protection, the US Environmental Protection Agency, and the US Department of Justice. The potential fines and penalties that would have been imposed on the City appear to have been avoided.

Forensic Claims

To date, many parties have been impacted by the Strong Plan and participated in the resolution of the City's debt related issues. This includes City residents who are faced with higher taxes, City employees who suffered wage freezes and made other concessions; creditors of the City and Authority, including AGM, Dauphin County, and AMBAC; and other creditors who were involved in the renovations to the Resource Recovery Facility and the monetization of City assets. Parties that have not participated to date in the City's recovery are the various professionals who were involved in the financing transactions related to the Resource Recovery Facility. Pursuant to the provisions of the Strong Plan, the Receiver and now the Coordinator have continued to actively pursue the forensic claims.

On May 21, 2018, the Commonwealth of Pennsylvania on behalf of the City of Harrisburg has filed the Incinerator Lawsuit Complaint against seven firms that provided professional guidance and advice to the City of Harrisburg on the Incinerator Project for engineering and financing. The law firm of Harris, Wiltshire & Grannis, LLP are representing the Commonwealth. In early September 2019, the Commonwealth Court held oral argument on preliminary objections filed by the seven professional firms seeking to dismiss the complaint. The parties are awaiting a Court decision.

Concurrently, a separate claim related to the Harrisburg Parking Authority (HPA) and Harrisburg University has also been pursued. This claim relates to the payment of \$3.6 million that was to be made at plan consummation in order to obtain free and clear title to the Harrisburg Parking Authority facilities at Harrisburg University. Under an agreement with HPA, this claim was assigned to the City through the Office of the Coordinator. Counsel selected by AGM and Dauphin County determined to opt out of representation of the Coordinator in the complaint originally filed by that

counsel in the Dauphin County Court of Common Pleas. As a result, the Coordinator selected Harris, Wiltshire & Grannis to represent him in this matter.

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Summary

As I author the Third Quarterly update of 2020, the many concerns relating to the COVID-19 Pandemic continue to bring challenges to the City that could not have anticipated in the development of the City of Harrisburg's 2020 Budget. In March 2020, during the Pandemic, sound and decisive action of Governor Tom Wolf of Pennsylvania and the Secretary Rachel Levine, Department of Health has helped the citizens of the City and State shelter in place and reduce the potential spread of the very dangerous virus. Daily numbers of newly infected and, sadly, the deaths that have occurred, remind us that without the swift action by the leadership of the Commonwealth the situation could have been far worse.

The local government leadership had immediately taken action to protect the welfare of the people they represent. The Dauphin County Commissioners, Mayor Papenfuse, Mayor of Harrisburg and the City of Harrisburg's City Council members have joined forces to address immediate issues of the business community. The Impact Harrisburg, Board of Directors, an entity formed by the City of Harrisburg's Act 47 Recovery Strong Plan, have also acted bravely and decisively. The local government entities partnered to form the Neighborhood Business Stabilization Program to assist City of Harrisburg's neighborhood businesses that are struggling through the Pandemic forced closures. I was asked to participate with the County, City, and Impact Harrisburg's Boards' leadership to play a role in advising the organizations on how this program fits appropriately into the Strong Plan objectives which to encourage and promote economic stability. A total of \$1.25 Million Dollars was dispersed to small businesses and non-profit entities throughout the City. All funds were distributed to the recipients by the end of May 2020.

These cooperative efforts by the Elected Officials helped to form sound and effective policies that can and will benefit the small neighborhood businesses within the City of Harrisburg during this Pandemic emergency. The uncertainty that exists under this health and economic crisis requires calm, reasonable, and strong guidance from these officials.

I want to express my appreciation for the leadership exhibited by the City's Elected Officials. As the Coordinator, for the past three years, I have overseen the Harrisburg Strong Plan and its' related activity. This has given me a chance to understand and become quite familiar with the City's Operational needs. The City's Elected and Appointed Officials have worked been very cooperative and have permitted me to closely monitor the City's progress.

The Final Act 47 Exit Plan provides direction on a number of issues which include financial projections for 2018-2021. The Final Exit Plan was submitted to the Mayor and City Council on August 8, 2018 after a period of written and oral public comment. The Act 47 Exit plan was not adopted by City Council because it was effectively annulled by House Bill 2557, which became Act 124. On October 24, 2018, the Act was signed into law and established the Intergovernmental Cooperation Authority (ICA) for the City of Harrisburg. Under the new law, the Coordinator and Strong Plan shall remain in place until the ICA Executive Board and Executive Director are appointed, after which the ICA shall execute an Intergovernmental Cooperation Agreement (ICA) with the City. Pursuant to section 706(1) of Act 124, the Strong Plan shall continue until the agreement has been executed by the ICA and the City. Under section 706(2), the City's Act 47 distressed status shall automatically terminate once the agreement has been fully executed. The initial five-year financial forecast and preliminary report was submitted and accept by the Intergovernmental Cooperation Authority Board on May 30, 2019. The next step is for the full ICA agreement to be adopted by the ICA Board and the Harrisburg City Council.

The enactment of the Strong Plan modifications, when it was adopted in September of 2013, was a critical next step in the City's recovery and its move towards a path of sustainability and a Rescission from Act 47. The modifications recognize the current financial position of the City and provide a fiscal roadmap for City officials to advance their recovery until the ICA enters and formally adopts Intergovernmental Cooperation Agreement with the City.

Although challenges remain, the City has made significant progress on many fronts. Through the Third Quarter of 2020, the City's operating position is reasonably healthy. As of September 30, 2020, the General Fund shows a cash balance of \$28.5 million dollar and the City's Neighborhood Services Fund shows a cash balance of \$8.6 million dollars. As noted earlier, the General Fund cash position decreased by \$8.6 million dollars. On September 15, 2020 the City transferred \$8.1 million dollars to the Debt Service Fund for various bond and note payments due on the same. The City's fiscal condition is currently reasonably stable under the current situation. The City did not need to pursue a Tax and Revenue Anticipation Note (TRAN) for Fiscal Year 2020.

The City has taken a number of steps to restore its fiscal credibility in the financial marketplace including keeping their audits up-to-date, securing compliance with SEC disclosure requirements, making timely debt service payments, and bringing all payables into a current status. The City made another payment in September 2020, so it will not need to rely on AMBAC to make its payments. The City hired Marathon Capital, as their Financial Advisors to assist with the negotiations with AMBAC. The Mayor, City Council, Financial Advisors, and AMBAC have reached a tentative agreement to refund the AMBAC Bond Deal. The Coordinator has reviewed the proposal and feels it is fair and equitable should the City move forward with a final deal with AMBAC. The Harrisburg Receiver negotiated the first two agreements with AMBAC on behalf of the City. The City is eagerly approaching the time when it can fully re-enter the bond marketplace to assist in financing much needed capital infrastructure for the future.

Restructuring City operations has played a key role in the City's positive current fiscal position. Ensuring long-term sustainability remains a challenge and requires the revitalization of the City's tax base to generate sufficient revenues to meet service needs of City residents. As mentioned earlier, the COVID-19 Pandemic has impacted revenues significantly especially as it relates to the Commonwealth of Pennsylvania's Capital Complex being shuttered. Parking and restaurant businesses have been greatly impacted throughout the Harrisburg's Central Business District. It is anticipated that the Commonwealth employees will not return until the Pandemic is under significant control.

Recent, DCED's Redevelopment Assistance Capital Program (RACP) grant for revitalization efforts in both Midtown and Allison Hill will further incentivize economic activity, all of which serves to strengthen the City's tax base and economic development. It is important that the City continue to build on these successes and partner with governmental and community stakeholders to further advance revitalization efforts.

I, as the Coordinator, will continue to work with Mayor Papenfuse and his Administration, as well as Wanda Williams, President, Harrisburg City Council and other City Elected and Appointed Officials to assist the City until the Rescission from Act 47, Municipalities Financial Recovery Program. Regular interaction with the City Administration on issues involving finance, budget, tax collection, IT issues, planning, sanitation, public safety, parking and human resources are an important element to the City's recovery. The Coordinator will work with City Officials as they develop and approve 2021 annual budget. This will include capital improvement programming, increasing the City's management capacity (City's Finance Director Position is currently vacant), and continue to enact sound financial management policies. City Council Finance Chair, Ben Allatt,

recommended for adoption two “best management practices,” financial management policies: Fund Balance Policy and Debt Management Policy. These policies were adopted by City Council.

As the Recovery Coordinator, I want to recognize the significant progress that has occurred since Harrisburg entered the Act 47 Program in 2010. Looking forward, the City has many challenges as the COVID-19 Pandemic has stymied many businesses and several economic concerns remain on the horizon. The North Atlantic Region has been hit hard economically. Mayor Papenfuse and the Harrisburg City Council have begun to address many of the challenges from a Human Services and Economic Development perspective. Once the pandemic and its impact begin to subside, the City of Harrisburg’s Elected Officials stand ready to address each issue and seek remedies for returning to its strong economic performance of the past decade.

Now more than ever, Harrisburg is a shining example of how, by working collaboratively, engaging in partnerships, and sharing in both the pain and success, a City can transition from near bankruptcy to a City that is fiscally sound. The hope is that this COVID-19 Pandemic crisis will make the City of Harrisburg and its citizens stronger and more resilient.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DENNIS M. DAVIN, IN HIS CAPACITY
AS SECRETARY FOR THE
DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT,

Petitioner,

v.

CITY OF HARRISBURG,

Respondent.

Docket No. 569 MD 2011

CERTIFICATE OF CONFIDENTIALITY

I certify that this filing complies with the provisions of the “Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Sean Campbell, hereby certify that on this 8th day of October 2020, the foregoing **Status Report of the Coordinator for the City of Harrisburg** has been served upon counsel in the manner indicated below, which service satisfies the requirements of Pennsylvania Rule of Appellate Procedure 121:

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