



Respectfully submitted this 14th day of July, 2021.

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Date: July 12, 2021

To: The Honorable Bonnie Brigance Leadbetter

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

Re: 2021 Second Quarter Update on the Coordinator's Act 47 Strong Plan Implementation

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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 thirtieth 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. The ICA and the City have finalized a draft Intergovernmental Cooperation Agreement though it has not yet been executed.

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 Second Quarter of 2021 which concluded on June 30, 2021.

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 Mayor Eric Papenfuse, the City Council President, Wanda Williams, Finance Chair, Ben Allat, Business Administrator, Marc Wholley, and Accounting Manager, Bryan McCutcheon, regularly to maintain input and monitor the status of the Strong Plan Activity until the City Exits Act 47. She has reviewed and provided input on the 2021 Final Adopted Annual Budget to Secretary Dennis Davin, Department of Community and Economic Development, as is required under the provisions of Act 47 of 1987, as amended.

During the past three months (April, May, and June), the Coordinator has been working with the City of Harrisburg's Mayor, Finance Department (Accounting Office), City Council President, and

Council Members to continue to monitor the budgetary and other related financial management activities through the end of the Second Quarter of fiscal year 2021.

The City's General Fund, available cash balance as of June 24, 2021 (the most recent data available) stands at \$39.5 million dollars. For the same timeframe, the Neighborhood Service Fund available cash balance is \$6.5 million dollars.

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 seven years, and four 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 City of Harrisburg's Act 47 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 Second Quarter 2021 report on the City's progress with further implementation activities.

The Second Quarter of 2021 continues to be impacted by the pandemic, although fifteen months have passed since the Governor commenced the 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 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 health 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. As we enter the Second Quarter of 2021, the situation for the Pandemic has slowly improved. The Progress on the COVID-19 Vaccine has greatly improved and there is hope that by the end of 2021 a return to normalcy will occur.

For the City of Harrisburg, the economic impact of this situation remains a 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, and later the American Rescue Act, enacted on March 11, 2021, funding to provide support for businesses and related business activities. The economic stability programs for small and large businesses will hopefully keep the economy neutralized as the crisis begins to ease.

Last year at this time, 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) could remain viable throughout the pandemic. In an unprecedented move, the Pennsylvania Department of Community and Economic Development represented by the City of Harrisburg's Act 47 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, individuals that qualify could receive grant(s) up to \$5,000. These grants were offered to the City of Harrisburg's Neighborhood Businesses that were 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. The Neighborhood Business Stabilization Program assisted 350 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.

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 and funds were released shortly thereafter.

As the City continues to mitigate 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 Directors of Impact Harrisburg have 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. The City continues to provide assistance to local business as the pandemic persists.

During the Fall of 2020 the City of Harrisburg and the Harrisburg Chamber of Commerce and the Capital Regional Economic Development Corporation (CREDC) provided additional financial assistance to small businesses within the City of Harrisburg. The continued effort by the City to stand and assist with its small business community is proof that the Mayor and City Council are committed to providing a full economic recovery to small businesses, during these challenging times.

On March 11, 2021, President Joseph Biden signed into law the American Rescue Act (ARA). This far reaching law will greatly benefit municipal governments in their efforts to recovery from the economic impacts of the Pandemic. The City of Harrisburg is poised to receive \$48.86 million dollars as part of the ARA. This assistance will allow municipalities to regain economic vitality and neutralize the many negative impacts on governmental operations due to the COVID-19 shut down and related economic downturn.

During the Second Quarter of 2021, the Recovery Coordinator continued to oversee the implementation of the Act 47 Strong Plan modifications. The modifications provide financial analysis and input, along with attendant other recommendations, that will advance the City's recovery towards the ultimate rescission of its Act 47 designation. The modifications recognize

the current financial position of the City and it provides a fiscal roadmap for City officials to advance the City's financial recovery. The ICA and the City have finalized a draft Intergovernmental Cooperation Agreement though it has not yet been executed.

As Coordinator, 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 this 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.

The board received the final statistics on the administration of the Neighborhood Business Stabilization Program: Impact Harrisburg provided grants in the amount of \$5,000 each to 350 small businesses in the city. The final amount disbursed: \$1,750,000.

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.

At the September 2020 Impact Harrisburg's Board meeting, the board voted to approve extensions of outstanding grant agreements, for one year, until September 2021.

The Impact Harrisburg board met in May 2021 to further discuss future projects and the closing of the existing grants found below.

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 Multimodal Project.

Impact Harrisburg Completed Projects:

Projects Funded/Grant Amount/Project Status as of March 31, 2021:

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)
16. The City of Harrisburg/Capital Region Water Parks Project.
17. City of Harrisburg Microsoft Office 365 (\$250,000 grant)
18. TLC Construction and Renovations (\$500,000 grant)
19. Webpage FX (\$500,000 grant)
20. Paxton Street Home Benevolent Society (\$100,000 grant)
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23. YMCA Camp Curtin (\$500,000 grant)
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26. Capital Region Water/City of Harrisburg Multi-Modal Collaborative Facility (\$5,797,701.17 grant)
27. Salvation Army for new facility multi-purpose facility (\$500,000)
28. Harrisburg Redevelopment Authority (\$500,000 grant)
29. East Shore YMCA (\$138,592 grant)
30. Tri-County Community Action Commission (\$204,759 grant)
31. Community First Fund (\$350,000 grant)
32. The City of Harrisburg/Capital Region Water Parks Project.

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 one compliance professional with extensive expertise in the grants management area. This individual works 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 professional 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.

### **Banking Transition**

During the Second Quarter, the Impact Harrisburg board worked with its Finance Chair to terminate its long-term investment arrangement with Wilmington Trust and to transfer the funds from Wilmington into an interest-bearing bond account with Fulton Bank. This decision is in keeping with the board's fiduciary oversight responsibilities and is expected to yield a better return on the funds invested.

### **Round Three Grant Program**

During the Second Quarter, the Impact Harrisburg board developed a Round-Three Grant Funding initiative which will launch in mid-July.

The objective of the Round-Three Grant initiative is to leverage the funds remaining in the organization's Economic Development Project budget line amounting to approximately \$300,000, to underwrite grants for Harrisburg businesses that meet board-established criteria. The Round Three grant program is expected to last no more than six months.

### **Disparity Study**

The Impact Harrisburg board voted affirmatively to seek a financial partnership with the City for the purpose of initiating a disparity study that would examine and measure the diversity of the City's vendors, suppliers, and contractors. Impact Harrisburg awaits the determination by the City to provide the \$125,000 which represents its equal share of the total amount to be allocated to the project.

### **Wind-down**

The Impact Harrisburg board has begun the work of communicating with advisors, legal and financial, around the prospect of the organization winding down operations, given the prospect of all funds currently in place being fully expended by the Third Quarter of 2022. The board is also actively examining the potential to obtain funding resources from third parties, given the organization's relative success.

## 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 to provide the City of Harrisburg \$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 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 Spring of 2021 that were delayed due to the Pandemic.

### Future Transfers to OPEB Trust and Impact Harrisburg.

**1. OPEB Trust** – The Escrow Agreement has been terminated and proceeds maintained thereunder have been distributed. On March 23, 2021, the City of Harrisburg's City Council, unanimously passed the OPEB Trust Fund Ordinance. The OPEB Ordinance was one of the final requirements of the Strong Plan that is now in place and will be administered by the Mayor's Administration. Documents will need to be finalized. The City is making significant progress in developing the OPEB Trust documents. The OPEB Trust has \$3,300,000 that was slated in the Strong Plan to be available for the purpose of the primary funding for the OPEB Trust.

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

### Fiscal Matters

On November 24, 2020, the Commonwealth of Pennsylvania's State General Assembly approved legislation, which was signed by Governor Tom Wolf, to provide amendments to the State Fiscal Code, adopted as part of the Commonwealth's mid-year budget revisions. The amendments include provisions to resolve a looming deadline for the temporary taxing authority given to the City of Harrisburg as part of the exit strategy from its Act 47 fiscal distress status.

The provisions extend Harrisburg's ability to levy an enhanced Local Services Tax (LST) on all people who work in the city for 15 years; the first 10 years at \$3-per-week, or \$156 and for the five years after that, not to exceed \$2-per-week, or \$104. After that, it would revert to the same \$1-per-week rate that generally applies to municipalities statewide. It also permits the city to

retain its 2% (percent) Earned Income Tax (EIT) on city residents in perpetuity, which is double the rate permitted in other Third-Class Cities throughout the Commonwealth.

The authorizations for both the LST and EIT were previously set to expire in 2025.

This extension of the taxing authority will allow the City much more flexibility while fiscally moving forward as the City will no longer have the great concern of these taxing sources ending abruptly. The City can now count on those revenues for future financial planning.

As of April 30, 2021, the 2021 Amended General Fund Revenues (Sources) totals \$82,815,699. The 2020 Amended Budget (after budget amendments and budget reallocations represents General Fund Revenues of \$77,616,854. The 2021 Amended General Fund Revenues (Sources) represent an increase of 5.7% over the amended and reallocated 2020 Amended General Fund Budgeted Revenues.

As of April 30, 2021, the 2021 Amended General Fund Expenses (Uses) totals \$82,753,262. The 2020 Amended General Fund Budget Expenses (Uses) totals \$77,616,226. The 2021 Amended General Fund Expenses (Uses) represent an increase of 6.66% higher than the 2020 Amended General Fund Approved Expenses Budget.

The Neighborhood Services Fund Budget in 2021 for the Revenues and Expenses totals \$18,896,216.

On June 24, 2021, the City's General Fund available cash balance was approximately \$39.5 million. The Neighborhood Services Fund (NSF) had an available cash balance of \$6.5 million.

The City's bi-weekly General Fund payroll averaged \$1,075,000 for the Second Quarter and the Neighborhood Services Fund bi-weekly payroll averaged \$175,000 for the Second Quarter.

The Coordinator reviews City payables for both the General Fund and Neighborhood Services Fund on a bi-weekly basis.

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 impacted both revenues and expenditures for this year and possibly the coming fiscal year. It is possible, as the Pandemic continues into Fiscal Year 2021, it could likely impact Fiscal Year 2022 revenues and expenditures forecasts. Although the vaccine roll out appears to be successful there still are a number of individuals who remain unvaccinated and there have been several variant strains that continue to pose a problem in completely eliminating the pandemic.

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 2021 Approved 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 Second Quarter of 2021, 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's 2021 Budget was approved by Harrisburg's City Council at the Legislative Session on December 21, 2020. Please note, periodically the Administration will present modifications and adaptations to the budget which will change the budgeted amount as the result of these transactions.

### **Operational Issues**

During the Second Quarter of 2021, 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 and other related administrative costs.

### **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 the strategic operating plan. 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, Public Safety, and IT. These will be priority areas of focus for the City's administrative functions going forward. The Business Administrator is still seeking to fill the Finance Director position.

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

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

The City is also seeking to purchase a new General Ledger Software package that more closely meets the City's Financial Management needs.

As mentioned above, the OPEB Trust Ordinance passed the City of Harrisburg's City Council on March 23, 2021. The Mayor and the Business Administrator are working towards its full implementation in the coming months.

### **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 that will need upgraded is the Personnel Management System. The data migration for the entire system will take several more years to complete. As noted above, the Administration and the Information Technology Office are working together to employ and implement a new Financial Management system for the City during Fiscal Year 2021.

### **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 was recently completed.

### **Police Bureau**

The City Police Commissioner continues to be 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 officers' activities for multiple reporting purposes.

The City provided Hazard Pay to Police Officers who were active during the Pandemic. The City has received funding from Dauphin County through the County COVID-19 Block Grant for funding provided through the Federal CARES Act. These funds were used to pay first responders during the 2020 pandemic health crisis.

Within the Police Bureau, staffing levels continue to be the primary challenge for the Bureau. In addition, it is anticipated that during fiscal year 2021, the Bureau could lose up to 40% of police uniformed personnel due to anticipated retirements. The Police Chief is concerned about the potential notable loss of tenured uniformed officer employees due to retirement. This was the reason that the new FOP contract includes both wage and benefit enhancements for patrolmen. The new contract was passed in December 2019.

The 2021 Budget added a Community Policing Program and related Community Service Aides (CSA) to enhance the Civil and Orderly management of community services related to police and civilian interaction with the neighborhood communities and their leaders. This is a welcome addition to the Police Bureau which clearly addresses the social justice issues that arose during the summer of 2020.

## **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 will continue to administer civil service exams to encourage new hiring's.

The Fire Bureau Personnel also received 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 Trash Collecting contract with the Borough of Steelton, Borough of Penbrook, and the Borough of Paxtang to pick up the trash and recycling for the Boroughs. This is a major advancement of using the City's resources to assist neighboring communities.

Many of the Neighborhood Services Department Personnel are also critical to the City's necessary operations and they also received hazard pay.

## **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 2021 budget.

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 2021 Operating and Capital Budgets Projections**

### **COVID 19 Effects on parking system**

As a result of the ongoing effects of the COVID-19 virus, there has been continued lower usage and revenues for the parking system in the Second Quarter for Fiscal Year 2021. Second Quarter 2021 Revenues were below levels required to meet 1.0 debt service accrual coverage on all debt. The Year-To-Date shortfall in 2021 Series B and C debt service is approximately \$1.64

million. The shortfall for funding of 2020 Series B and C debt service totaled approximately \$1.67 million. For the January 1, 2021 debt-service payment date, the \$1.67 million shortfall of interest and principal payments was advanced from the debt service reserve contracts.

John Gass of Trimont is communicating with PEDFA, their client, and the Credit Enhancers, Assured Guaranty and Dauphin County, on this matter. He is also providing representatives of the City of Harrisburg and 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.

## **Project Revenues/Expenses**

Projected 2021 Second Quarter revenues were approximately 10% higher than 2020 Second Quarter revenues. Preliminary June 2021 revenues were 27% higher than June 2020 revenues and 17% lower than June 2019 revenues. The 2021 Second Quarter operating expense was 10% less than 2021 Second Quarter.

The 2021 operating budget has been approved by the Credit Enhancers. The 2021 operating budget reflects increases in Meter Rates from \$3 to \$4 per hour in the CBD, increase in the 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 Department of General Services lease will increase per the terms of the lease. The 2021 budgeted operating expenses will decrease by 6% from 2020 budgeted operating expenses.

The 2021 capital budget in the amount of \$675,000 has been approved. Through July 2021, the City has been paid \$0 that represents \$544,488 less than the full scheduled amount due. Through July 2021, Harrisburg Parking Authority has been paid \$0 that represents \$676,431 less than the full scheduled amount due. The City was paid approximately \$1,640,000 in parking tax for Second Quarter 2021. Through July 2021, no funds have been deposited for Performance Fees or for PEDFA fees. Through July 2021, no funds have been deposited in the Capital Reserve. The balance in the Capital Reserve account as of 6/30/2021 was approximately \$2,000,000.

## **Capital & Operational Improvements**

Capital Improvement projects planned for 2021 include concrete repair at the Chestnut Street garage, Walnut street garage, Locust Street garage and 5<sup>th</sup> Street garage. The project entered into an energy saving contract and has saved \$9,000 Year-To-Date through June 2021.

## **Park Mobile**

Park Mobile, the parking application provider for the Meter system, had approximately 100,000 transactions through June 2021.

## **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 Second Quarter of 2021; therefore, a reduced amount for the free 5-7 Parking Program will be calculated and provided to participants.

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**City of Harrisburg  
Parking Revenues  
Table 1**

Group	Account Description	2015	2016	2017	2018	2019	2020	7/7/21
Parking Taxes	MBP PARKING TAXES CURRENT	3,289,446	3,769,704	3,668,788	3,942,440	4,265,145	3,511,843	1,610,076
Parking Taxes	MBP PARKING FEE	11,573	13,724	12,580	14,774	9,000	11,327	11,152
Parking Fees	PARKING LICENSE FEE-PRIOR	2,131	710	4,076	0	368	2,033	4,773
Parking Fees	PARKING LICENSE FEE-PENAL	2,007	3,010	3,284	1,459	2,073	0	4,000
Parking Fees	TOWING FEES	21,665	22,595	20,706	21,144	13,705	11,750	7,330
Parking Fees	METER BAG RENTAL	21,504	24,116	49,312	53,848	31,912	86,356	56,052
Parking Fees	FEES, FINE AND COSTS	49,535	42,244	13,627	28,866	28,751	52,655	58,168
Parking Fees	BOOTING FEES	8,850	3,300	2,925	1,575	2,850	0	0
Parking Tickets	PARK TICKETS-VIO FINE	463,641	447,119	376,923	420,396	381,107	259,533	218,973
Ground Lease Payment	PRIORITY PARKING DISTR.	527,900	1,093,623	974,526	1,460,125	1,275,290	287,388	0
Priority Parking Distribution	PRIORITY PARKING DISTR.	636,951	1,717,788	1,457,735	2,097,494	2,241,682	231,331	0
Rental Income	HPA RENTAL INCOME	0	0	0	0	---	0	0
HPA Coordinated Pkg	HBG PRK AUTH COORD PKG	0	0	0	0	---	0	0
	Total Parking Revenue	5,035,203	7,137,933	6,584,482	8,052,120	8,251,882	4,454,215	1,970,524

Note: 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.

## **Resource Recovery Facility**

### **Results for 2014 – 2021**

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, 2019, and 2020. As of the end of the Second Quarter, June 30, 2021, year to date, tonnage from the City disposed of at the Susquehanna Resource Management Complex (SRMC) was approximately 19,302 tons.

The City also receives an annual Host Fee from SRMC.

### **Resource Recovery Facility COVID-19 Update**

LCSWMA representatives, stated that the impact of COVID-19 was significant for LCSWMA's operations during fiscal year 2020. 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. Concurrently, revised facility hours have been implemented, based on customer usage data and business need.

December 2020 and January 2021 were very busy months with major planned outages, as some of the work originally scheduled for spring, was pushed to the winter months 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)**

### **Strawberry Square**

Strawberry Square Strawberry Square hosted a COVID vaccine site in the former Strawberry Gifts retail space on Monday, June 7, 2021, in partnership with Rite Aid. The single-dose Johnson & Johnson vaccine was available on a walk-in basis; 26 individuals received the vaccine. Harristown is working with the Commonwealth to develop additional dates for walk-in vaccines once state employees have returned to the downtown.

New Tenants Fresh Pressed Juice Bar opened at the end of June in the first floor of 221 N. 2nd Street, (Bogg on Cranberry). A ribbon-cutting is scheduled for Tuesday, July 6th at 2pm.

Project DTLR (formerly Sneaker Villa) re-opened their updated and expanded space at 333 Market Street in early April; a ribbon cutting was held on April 19th.

Harristown hosted a Zoom webinar on April 30, 2021: "Returning to the Workplace Safely." Over 135 participants registered to attend the free event, and more than 110 participated. Dr. John Goldman, head epidemiologist at UPMC Pinnacle Health, Jennifer Will, Esq., co-chair of the Labor

& Employment Group at McNees Wallace & Nurick, and David Black, CEO of the Harrisburg Regional Chamber & CREDC were panelists for this event. A second Zoom webinar was held on May 26, 2021, "Harrisburg Summer Happenings."

As venues re-opened and regulations were relaxed, Harristown wanted to encourage customers to come back to the downtown for the various activities scheduled in the City. Todd Vander Woude, Executive Director of the Harrisburg DID, Sara Bozich, owner & founder of CheersHBG, and Larry Binda, editor of TheBurg, were the panelists. The event was hosted by Harristown and the Harrisburg Young Professionals. Sixty (60) people registered to attend; over 35 participated.

Harristown has completed conversion of student housing in the International House complex on Chestnut and South Third Streets to market-rate, affordable housing. All available units in these locations have been leased. They are available as fully furnished units (if desired), and the rents are all-inclusive: electric, basic cable, internet, water, sewer, trash. Rents for all units qualify for affordable and workforce housing, a need that has been increasing in the City.

The Menaker Apartment project construction is underway to renovate 17 S. 2nd Street into 28 one and two-bedroom apartment units. Harristown has updated our list of 30 projects that are under development and/or construction throughout the City over the next three years.

A total of almost \$700 million worth of projects are in the pipeline or under construction, which is more than has been invested in the City in many years

### **Lease Renewals**

Chef Chen's and Little Amps have renewed their leases in Strawberry Square. El Sol has also renewed their lease at 18 S. 3rd.

### **New Tenants**

Boneshire Brew Works will open Taps@SoMa in early April at 13 S. Third Street (former Sip@SoMa).

### **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 fifteenth 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 concern 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 her in this matter.

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## Summary

As I author the Second Quarterly update of 2021, the many concerns relating to the COVID-19 Pandemic continue to bring challenges and some economic relief as the Commonwealth Employees return to work throughout the month of July 2021. In March 2020, during the Pandemic, sound and decisive action of Governor Tom Wolf of Pennsylvania and the Secretary Rachel Levine, Department of Health had helped the citizens of the City and State shelter in place and reduce the potential spread of the very dangerous virus. As the vaccination roll out continues, the hope is that the pandemic will slowly be eliminated. As mentioned earlier, healthcare concerns remain as new variants of the disease continue to persist throughout the Country.

Last year, 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 encourage and promote economic stability. A total of \$1.75 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. The City followed-up with additional financial assistance to the small businesses within its limit in the Fall 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 and immediately after the pandemic emergency. The uncertainty that existed under this health and economic crisis, required calm, reasonable, and strong guidance from these elected and appointed officials.

I want to express my appreciation for the leadership exhibited by the City's Elected Officials. As the Coordinator, for the past four 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 and Financial Management needs. The City's Elected and Appointed Officials have been very cooperative and have permitted me to more closely monitor the City's Strong Plan progress.

On March 23, 2021, the City of Harrisburg's City Council approved an Ordinance to form an Other Post Employment Retirement Trust Fund (OPEB). This is one of the major objectives of the Strong Plan. Now that the OPEB Trust Fund Ordinance is in place, the Mayor and Business Administrator will work together execute the terms of the OPEB Trust Fund Ordinance.

Although challenges remain, the City has made remarkable progress on many fronts. Through the June 24, 2021 (the most recent reports available to me), the General Fund shows a cash balance of \$39.5 million dollar and the City's Neighborhood Services Fund shows a cash balance of \$6.5 million dollars. The City's fiscal condition is steadily improving. The City did not need to pursue a Tax and Revenue Anticipation Note (TRAN) for Fiscal Year 2021.

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 continues to stay on course with the bond payments; therefore, 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 to renegotiate its current bond arrangements. The Mayor, City Council, Financial Advisors, and AMBAC have reached a tentative agreement to refund the AMBAC Bond Agreement. The Coordinator has reviewed the proposal and feels it is fair and equitable should the City move forward with a final deal with AMBAC.

Since the City Council began its summer recess on July 7, 2021, it is anticipated that any financing agreement will not be reached between the Mayor and City Council, regarding the refinancing, until City Council returns in late August 2021.

It should be noted that 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. As mentioned earlier, the ability to retain the extraordinary taxes, as the results of the 2020 amendment to the PA Fiscal Code, should provide an opportunity to stabilize the current income flow for the City. Fortunately, this amendment will further permit the City to properly manage its future financial management resources.

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. The City had taken a particularly hard hit from the loss of Parking Revenue in Fiscal Year 2020. It is anticipated that the Commonwealth employees will return to work throughout the month of July of 2021.

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 was advised by City Officials on the 2021 Annual Budget. This included capital improvement programming, increasing the City's management capacity (City's Finance Director Position is currently vacant), and to continue to enact "GFOA Best Management Practices," financial management policies which include: the Fund Balance Policy and the Debt Management Policy. These policies were adopted by City Council four years ago.

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. Mayor Papenfuse and the Harrisburg City Council have significantly addressed the many challenges from a Human Services and Economic Development perspective.

As many of the City's fiscal, administrative, and economic challenges have been met, the Mayor and City Council can move into a new phase of fiscal health. The City's financial progress over the past ten years is nothing short of extraordinary. The Department of Community and Economic Development has been able to provide assistance and guidance to help lead the City towards the ultimate rescission from the Municipalities Fiscal Recovery Program, Act 47.

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 and economically improved. The hope is that this COVID-19 Pandemic crisis will make the City of Harrisburg and its citizens stronger and even more resilient. I am proud to be part of this new fiscal renaissance for the City of Harrisburg.

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

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I, Sean Campbell, hereby certify that on this 15th day of April 2021, 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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Date: July 14, 2021

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