BILL NO. 9 of 2016

Moved by: [Signature]

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

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

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

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

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

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

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

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

SECTION 1. The Council of the City of Harrisburg hereby adopts the Recovery Plan for the City of Harrisburg prepared and submitted by the Coordinator, and filed with the City Clerk on March 21, 2016, including subsequent revisions thereto, if any, pursuant to Act 47, as amended.
SECTION 2. The Council of the City of Harrisburg hereby approves the ongoing implementation of the Amended Recovery Plan as prepared and submitted by the Coordinator, and filed with the City Clerk on March 21, 2016, including the continuing provisions of the Harrisburg Strong Plan as approved by the Commonwealth Court of Pennsylvania and any subsequent revisions to the proposed Amended Plan, if any, pursuant to Act 47, as amended.

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

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

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

SECTION 6. SEVERABILITY: If any provision, sentence, clause, section or part of this ordinance or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the City of Harrisburg that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.
SECTION [6] 7. REPEALER: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

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

Seconded by:

Passed the City Council April 27, 2016

Ward R. O. Williams
President of City Council

Attest
K. Pate
City Clerk

Approved

Returned to City Council with objections

Mayor
Date: 4/27/16

YEAS NAYS

YEAS NAYS

Mr. Allatt
Mr. Baltimore
Ms. Daniels
Ms. Hodges
Mr. Johnson
Mr. Majors
Ms. Williams

Yea 4
Nay 2

Absent