

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

C. Alan Walker, in his capacity as  
Secretary for the Department of  
Community and Economic  
Development,

Petitioner,

v.

City of Harrisburg,

Respondent

No. 569 M.D. 2011

2013 DEC 19 P 3:08

RECEIVED & FILED  
COMMONWEALTH COURT  
OF PENNSYLVANIA

**NOTICE OF FILING OF CERTAIN ADDITIONAL SUPPLEMENTAL  
EXHIBITS TO MODIFIED RECOVERY PLAN AND REQUEST FOR  
APPROVAL AND FINDING OF EFFICACY OF PLAN DOCUMENTS**

On August 26, 2013, William B. Lynch, in his capacity as the receiver for the City of Harrisburg, Pennsylvania (together with any predecessor or successor thereof, the “Receiver”), caused to be filed with the Court in the above-styled action the modified recovery plan for the City of Harrisburg (the “**Harrisburg Strong Plan**” or “**Plan**”) and also caused to be filed certain exhibits to the Plan (collectively referred to as the “**Strong Plan Exhibit Book**”). Thereafter, on September 19, 2013, the Receiver filed certain amended and supplemental exhibits to the Plan (the “**First Supplemental Plan Documents**”). On December 18, 2013,

the Receiver filed certain additional supplemental exhibits to the Plan (the “**Second Supplemental Plan Documents**”).

NOTICE IS HEREBY GIVEN that, through counsel, the Receiver hereby causes to be filed certain further additional supplemental exhibits to the Harrisburg Strong Plan, more fully identified below (the “**Third Supplemental Plan Documents**”).<sup>1</sup> The documents and agreements submitted as part of the Strong Plan Exhibit Book, the First Supplemental Plan Documents, the Second Supplemental Plan Documents and the Third Supplemental Plan Documents are hereinafter collectively referred to as the Plan Documents.

In addition, in recognition and furtherance of this Court’s September 23, 2013 Order (“**Plan Approval Order**”) confirming the Plan, which approves the various key components of the Plan and provides, among other things that the Receiver and/or the City of Harrisburg (“**City**”), including all elected and appointed officials, as applicable, are “authorized and required to take action necessary to effectuate” the various key components of the Plan, “including, without limitation and as applicable, finalizing and executing any relevant agreements, resolutions, ordinances and any other necessary documentation”, Plan

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<sup>1</sup> Additional agreements in furtherance of the Plan will be submitted to the Court in the near term.

Approval Order at e.g. pp. 7-8, ¶¶ C-F, the Receiver respectfully asks the Court to approve the Third Supplemental Plan Documents, as executed and submitted to the Court, as compliant with and in furtherance of the Plan and to affirm the force and effect of the Third Supplemental Plan Documents as submitted to the Court. A proposed form of order approving this request is attached hereto as **Exhibit A**.

The Third Supplemental Plan Documents are more specifically identified as follows:

- A. **Second Amendment to the Collective Bargaining Agreement.** Resolution 28-2013 of the City Council ratified the Second Amendment to the Collective Bargaining Agreement between the City of Harrisburg and the Fraternal Order of Police Capital City Lodge No. 12 (“**FOP Agreement**”) described in the Plan. This Resolution was previously submitted as Exhibit 14 to the Harrisburg Strong Plan. The FOP Agreement was discussed in Part 5, Section D.1 of the Plan. The FOP Agreement, as final and executed, is attached hereto as **Exhibit 21**. **Exhibit 21** shall be incorporated as **Exhibit 21** to the Harrisburg Strong Plan and included in the Strong Plan Exhibit Book.
- B. **Third Amendment to the Basic Labor Agreement.** Resolution 31-2013 of the of City Council ratified the Third Amendment to the Basic Labor

Agreement between the City and the American Federation of State, County and Municipal Employees District Council 90, Local 521 (“AFSCME Agreement”). This Resolution was previously submitted to the Court as Exhibit 15 to the Harrisburg Strong Plan. The AFSCME Agreement was described in Part 5, Section D.1 of the Plan. The AFSCME Agreement as final and executed, is attached hereto as Exhibit 22 and shall be incorporated as Exhibit 22 to the Harrisburg Strong Plan and included in the Strong Plan Exhibit Book.

- C. **Bill No. 30-2013 and Related Intergovernmental Cooperation Agreement delegating to the PEDFA.** Bill No. 30-2013 of the City Council of the City authorized the City to enter into an Intergovernmental Cooperation Agreement (the “**PEDFA Agreement**”) delegating to the Pennsylvania Economic Development Financing Authority (“**PEDFA**”) certain rights and powers with respect to the City’s on-street parking system, consisting of collection of meter revenues, rate-setting, and other non-enforcement matters, and approving PEDFA entering into a contract with the initial manager of the parking system to provide certain functions. Bill No. 30-2013, together with the PEDFA Agreement as executed is attached hereto

as Exhibit 23. Exhibit 23 and shall be incorporated as Exhibit 23 to the Harrisburg Strong Plan and included in the Strong Plan Exhibit Book.

D. **Bill 31-2013 and Related Intergovernmental Cooperation Agreement with DGS.** This Ordinance of the City Council authorizes the City to enter into an Intergovernmental Cooperation Agreement (“**DGS Agreement**”) delegating to the Pennsylvania Department of General Service (“**DGS**”) certain enforcement powers with respect to on-street parking and approving DGS entering into a contract with the initial manager of the parking system to provide certain enforcement functions, and related matters. This Ordinance, together with the DGS Agreement as executed is attached hereto as Exhibit 24. Exhibit 24 and shall be incorporated as Exhibit 24 to the Harrisburg Strong Plan and included in the Strong Plan Exhibit Book.

E. **Bill No. 32-2013 and Related Asset Transfer Agreement.** This Ordinance of the City authorizes the City to enter into an Asset Transfer Agreement with PEDFA (“**ATA**”) pursuant to which the City will transfer to PEDFA certain on-street parking spaces and delegate certain meter collection and meter rate-setting authority and other non-enforcement functions to PEDFA and the transfer of certain off-street parking components to the Harrisburg Parking Authority (“**THA**”). This Ordinance, together with the executed

ATA is attached hereto as Exhibit 25. This executed copy of the ATA is the final version of the ATA, save for non-material changes that will be made to certain of the Schedules to the ATA, subject to approval by all the parties and consistent with the ATA as approved by City Council. Exhibit 25 and shall be incorporated as Exhibit 25 to the Harrisburg Strong Plan and included in the Strong Plan Exhibit Book.

Respectfully submitted,

**McKenna Long & Aldridge, LLP**

Date: December 19, 2013

By:

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**Attorneys for William B. Lynch, in his  
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of Harrisburg**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, through counsel, William B. Lynch, in his capacity as Receiver for the City of Harrisburg, caused true and correct copies of the **NOTICE OF FILING OF CERTAIN ADDITIONAL SUPPLEMENTAL EXHIBITS TO MODIFIED RECOVERY PLAN AND REQUEST FOR APPROVAL AND FINDING OF EFFICACY OF PLAN DOCUMENTS** to be served, via first class mail, postage prepaid upon the individuals identified on Exhibit A hereto at the addressees indicated on Exhibit A.



Dated: 12/19/13

Respectfully submitted,

McKenna Long & Aldridge LLP

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Attorneys for William B. Lynch, in his official  
capacity as Receiver for the City of Harrisburg

EXHIBIT A

The Honorable C. Alan Walker  
 Department of Community and Economic  
 Development  
 Commonwealth Keystone Building  
 400 North Street, 4th Floor  
 Harrisburg, PA 17120  
 (866) 466-3972

The Honorable Linda Thompson  
 Mayor of the City of Harrisburg  
 Dr. Martin Luther King, Jr.  
 Government Center  
 10 North 2nd Street  
 Harrisburg, PA 17101  
 (717) 255-3040

The Harrisburg City Council  
 c/o Kirk Petroski, Chief City Clerk  
 Office of City Clerk/City Council  
 Dr. Martin Luther King, Jr. Government  
 Center  
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<p>Jeffrey G. Weil Neal David Colton Stephen Aaron Miller Cozen O'Connor 1900 Market St Philadelphia, PA 19103 (215) 665-2060 <i>(Attorneys for C. Alan Walker, DCED Secretary)</i></p>	<p>Edward Lee Stinnett, II Salzmann Hughes PC 105 N. Front Street, Suite 205 Harrisburg, PA 17101 (717) 249-6333 <i>(Attorneys for certain Suburban Municipalities)</i></p>
<p>Nevin J. Mindlin 2550 N. 3rd Street Harrisburg, PA 17110 (717) 238-8705 <i>(Debt Watch Harrisburg)</i></p>	<p>Lee E. Morrison 420 Lamp Post Lane Camp Hill, PA 17011 (717) 761-9090 <i>(Attorney for Harrisburg City Council)</i></p>
<p>Markian Roman Slobodian Law Offices of Markian R. Slobodian 801 N 2nd St Harrisburg, PA 17102—3213 (717) 232-5180 <i>(Attorneys for Ambac Assurance Corporation)</i></p>	<p>Marck Joachim Arent Fox LLP 1050 Connecticut Ave., NW Washington, DC 20036 (202) 857-6018 <i>(Attorneys for Ambac Assurance Corporation)</i></p>
<p>Howard B. Klein Law Office of Howard Bruce Klein, P.C. 1700 Market Street, Suite 3025 Philadelphia, PA 19103 (215) 972-1411 <i>(Attorneys for David Unkovic)</i></p>	<p>Geoffrey R. Johnson Sprague &amp; Sprague 1110 Wellington Road Jenkintown, PA 19046 (215) 490-7436 <i>(Attorneys for Mark D. Schwartz)</i></p>

<p>Daniel L. Sullivan  Saidis, Flower &amp; Lindsay  Saidis Sullivan &amp; Rogers  26 W High St  Carlisle, PA 17013  (717) 243-6222  <i>(Attorneys for County of Dauphin)</i></p>	<p>Charles B. Zwally  Ronald L. Finck  Mette, Evans &amp; Woodside  3401 N Front St  PO Box 5950  Harrisburg, PA 17110  (717) 232-5000  <i>(Attorneys for County of Dauphin)</i></p>
<p>Paul M. Hummer  Matthew M. Haar  Saul Ewing LLP  Centre Square West  1500 Market Street, 38th Floor  Philadelphia, PA 19102-2186  (215) 972-7777  <i>(Attorneys for Assured Guaranty  Municipal Corp.)</i></p>	<p>James S. Gkonos  Saul Ewing LLP  Centre Square West  1500 Market Street, 38<sup>th</sup> Floor  Philadelphia, PA 19102-2186  (215) 972-8667  <i>(Attorneys for Assured Guaranty  Municipal Corp.)</i></p>
<p>Daniel C. Miller  Harrisburg City Controller  City of Harrisburg  10 N. 2nd Street – Suite 403  Harrisburg, PA 17101  (717) 234-2250  <i>(Pro se)</i></p>	