

City of Harrisburg

Gloria Martin-Roberts, President
Patty Kim, Vice President
Susan Brown-Wilson
Brad Koplinski
Eugenia G. Smith
Kelly D. Summerford
Wanda R. D. Williams



Rev. Dr. Martin Luther King Jr.
City Government Center
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Harrisburg, PA 17101
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Office of City Council

October 3, 2011

Mark D. Schwartz
Attorney At Law
P.O. Box 330
Bryn Mawr, Pennsylvania 19010-0330

Dear Attorney Schwartz:

This letter is to acknowledge receipt of your communications stating your willingness to serve as legal counsel to Harrisburg City Council. I have been informed that at Harrisburg City Council's Legislative Session held September 27, 2011, in my absence, a member of council brought a resolution from the floor to appoint you to represent the body of Harrisburg City Council on matters related to the "Harrisburg Debt Crisis." The following day we received a memo from Acting City Solicitor/Parliamentarian, Jason Hess. The memo stated that the Resolution appointing you was invalid. Therefore, you are not authorized to represent council until the proper procedures are followed.

Rule 10 of the Council Rules state that "all legislation must be reviewed by the City Solicitor, or his/her designee, and such review will be indicated by the signature or initials of the same." Mr. Hess's memo states that the procedure mandated by Rule 10 was not followed, and that Rule 10 cannot be suspended because the rule requiring Solicitor review has been legislatively enacted under the City's Codified Ordinances. Under the Third Class City Code, § 1601, the "city solicitor shall have the superintendence, direction, and control of the law matters of the city."

Furthermore, in the rules of council under Professional Services Agreements (18), it clearly states that C.) "The President of Harrisburg City Council shall be the designated representative of the body, who shall communicate the intentions of City Council with respect to professional service contracts for "as needed" services, which can only be authorized upon a vote called by the President with a minimum of four votes for approval."

Therefore, until further notice you must cease and desist from acting as though you represent the body of City Council. As President of City Council, I did not authorize, nor was I or two other members of council made aware or communicated with relative to any such contract. As a matter of point, after reviewing the resolution, I realized that there was no contract attached. I would assume that you did not agree to provide legal services without a contract or payment for rendered services?

Attached are the memo from Mr. Hess and the Rules of Council for your review. In the meantime, until this matter is resolved, I advise you not to send any correspondence in writing or verbally that you are representing Harrisburg City Council pertaining to legal advice or taking any legal action/law suit on behalf of Harrisburg City Council.

If you have any questions, please feel free to contact me at 717-255-3060. Thank you for your attention to this matter.

Sincerely,



Gloria Martin-Roberts
President, Harrisburg City Council

CC:

Linda Thompson, Mayor
Patty Kim, City Council Vice-President
Brad Koplinski, Councilman
Eugenia Smith, Councilwoman
Kelly Summerford, Councilman
Susan Brown-Wilson, Councilwoman
Wanda Williams, Councilwoman
George Hartwick III, Dauphin County Commissioner
Jeffrey Haste, Dauphin County Commissioner
Mike Pries, Dauphin County Commissioner
Glen Grell, PA State Representative (87th)
Jeffrey Piccola, PA State Senator (15th)
Stephen Aichele, General Counsel to Governor Corbett
Jason Hess, Acting City Solicitor
Kirk Petroski, Acting City Clerk
Jacquetta McCoy, Confidential Assistant to Mayor Thompson