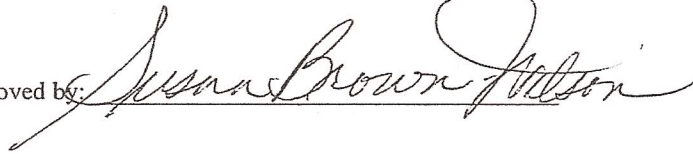


Moved by:



A Resolution establishing conditions to and procedures for the sale or lease of City assets.

WHEREAS, the City of Harrisburg is in a state of financial crisis due primarily to the short term inability to make debt service payments guaranteed by the City for The Harrisburg Authority's Resource Recovery Facility; and

WHEREAS, it has been recommended that asset sales and leases be one of the actions necessary to bring Harrisburg to a condition of financial stability; and

WHEREAS, it is the opinion of Council that the sale or lease of city assets should be an event of last resort, and that such sale or lease, if undertaken, should proceed by an fair, open and competitive manner based on complete information; and

WHEREAS, it is desirable to establish the conditions under which the sale or lease of City assets will be considered, and the procedures by which such sales or leases will be effected; and

WHEREAS, it is the function of the Council to establish policy and of the Administration to carry out said policy; and

WHEREAS, no funds may be expended by the City unless and until appropriated by Council.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF HARRISBURG that the following shall be conditions precedent to the consideration of any sale or lease of City assets:

1. All other options to bring Harrisburg to a condition of financial stability, including bankruptcy, shall have been presented to Council for consideration.
2. A full and complete audit of the history and current financial position of The Harrisburg Authority (including a "forensic" evaluation of the issuance of the 2003 Harrisburg Resource Recovery Retrofit bond issue) shall have been completed and presented to Council.
3. All assets of the Harrisburg Authority shall have been evaluated and considered for possible sale and all efforts to "claw back" fees or other funds deemed recoverable after the audit shall have been commenced.
4. Any revenue-generating assets approved for possible sale or lease by the Council shall be subject to a mandatory requirement that they revert to City ownership at the end of 30 years.
5. Any transaction, by sale or lease, that transfers any function currently being carried out by the City of Harrisburg or any of its Authorities to a non-City or non-Authority entity shall be governed by this Resolution.

BE IT FURTHER RESOLVED, that any sale or lease of City assets shall be effected by the following processes and procedures:

1. Offers to acquire City assets must be solicited competitively, in an open and transparent way, and evaluated by competent and independent professionals previously approved by Council through a process of obtaining Requests for Qualifications and Requests for Proposals.
2. The legal and political independence of all public authorities shall be respected.

3. All private parties and business entities engaged in any facet of the evaluation or the sale or lease of City assets shall fully and publicly disclose all legal and consulting relationships, including financial terms of such relationships, with the City or any of its authorities and/or any of the entities being evaluated or conducting the evaluation prior to being allowed to participate.

4. No member of Council or the Administration or other public persons or entities responsible for any facet of the evaluation or decision process shall privately meet or otherwise communicate with any party known to have a vested interest in the acquisition by sale or lease of City assets after that entity or party has evidenced that interest by obtaining either a Request for Qualifications or a Request for Proposals.

BE IT FURTHER RESOLVED, that the Mayor, City Controller, City Treasurer, City Solicitor and all other appropriate City officials are instructed to take all steps necessary to effectuate the purpose of this Resolution.

I second the Resolution: Brian Kozlowski

YEAS		NAYS
✓	KIM KOPLINSKI SMITH SUMMERFORD WILLIAMS WILSON ROBERTS	✓
✓		✓
✓		✓
✓		✓
✓		✓
Year	4	
Nays	3	

Passed the City Council April 27 2010
Sharon Martin-Perc
 President of City Council
 Attest Bethany Miller
 City Clerk