

THE GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER NO. 2011-11]
Office of City Receiver—Harrisburg

December 12, 2011

Whereas, Chapter 7 of the Municipalities Financial Recovery Act, 53 P. S. § 11701.101 et seq., as amended, (hereinafter, the Act) authorizes the Governor of Pennsylvania to direct the Secretary of Community and Economic Development (Secretary) to petition the Commonwealth Court of Pennsylvania to appoint a Receiver for a city of the third class under certain circumstances as set forth in the Act; and

Whereas, on November 16, 2011, Governor Corbett directed the Secretary to file a petition in the Commonwealth Court of Pennsylvania to appoint David Unkovic to be the Receiver for the City of Harrisburg, which petition was filed with the Commonwealth Court on November 18, 2011; and

Whereas, by Order of the Court dated December 2, 2011, David Unkovic was appointed as the Receiver for the City of Harrisburg, and David Unkovic now has the full power and authority to exercise with respect to the City of Harrisburg all of the powers and duties of the Receiver under Chapter 7 of the Act; and

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby create within the Executive Office of the Governor and subject to the Commonwealth Attorneys Act, Act of October 15, 1980 (P. L. 950, No. 164), the Office of the City Receiver—Harrisburg with the duties, responsibilities, and authority as set forth herein.

1. *Purpose of the Office of City Receiver—Harrisburg:*

- a. To further the stated public policy of Chapter 7 of the Act, specifically, to foster fiscal integrity of municipalities.
- b. To fulfill the commonwealth's obligation and responsibility to protect and preserve the health, safety, and welfare of the citizens of the City of Harrisburg during a time of emergency fiscal conditions and to develop a solvency plan for the fiscal recovery of the City of Harrisburg.
- c. To provide leadership, coordination, and control over the development and implementation of an emergency action and recovery plan for the City of Harrisburg during the time of fiscal emergency under the Act.

2. *Duties and Responsibilities of the Office of City Receiver—Harrisburg:*

- a. To initiate, supervise, and coordinate the receivership of the City of Harrisburg in accordance with the Act.
- b. To perform all duties and obligations set forth in Chapter 7 of the Act.
- c. To reimburse commonwealth agencies for costs incurred by such agencies on behalf of or in support of the Office of City Receiver—Harrisburg.

3. *Authority.* In addition to the authority otherwise provided by the Act, the Receiver, in carrying out his duties and responsibilities, is authorized:

- a. To select, appoint, and employ such employees as may be necessary to carry out the functions, powers, and duties of the office, in accordance with the procedures of the Governor's Office of Administration.
- b. To engage financial or legal experts, as necessary and appropriate, subject to employment or contracting procedures and requirements for offices created within the Executive Office of the Governor.

c. To enter into agreements with other commonwealth agencies under the Governor's jurisdiction as may be advisable for the conduct of the business of the Office of City Receiver—Harrisburg.

4. *Limitation of Personal Liability.* In accordance with Section 705(g) of the Act, the Receiver's personal liability is limited as follows:

a. The Receiver shall not be liable personally for any obligations of the City of Harrisburg or any of its component units or authorities.

b. The Receiver possesses sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver), and is immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Chapter 85, Subchapter A (relating to general provisions), and Subchapter B (relating to actions against commonwealth parties).

c. The Receiver shall not be liable personally for any contractual or other financial obligations that he enters into in the course of exercising his official duties.

5. *Support to the Office of City Receiver—Harrisburg.* The Governor's Office will designate executive branch agencies to provide technical, administrative, and staffing support to the Office of City Receiver—Harrisburg.

6. *Relationship with other agencies.* All agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as necessary and appropriate to the Office of City Receiver—Harrisburg, in the performance of its functions.

7. *Effective Date.* This Executive Order shall take effect immediately.

8. *Termination.* This Executive Order terminates upon the termination of receivership of the City of Harrisburg under the provisions of Section 710 of the Act.



Governor

Fiscal Note: 2011-11. No fiscal impact; (8) recommends adoption.

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