

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 20<sup>th</sup> day of Sept. A. D. 2010. Witness my hand and seal of the said City this 22<sup>nd</sup> day of Sept. A. D. 2010.

CITY OF READING  
BERKS COUNTY, PENNSYLVANIA

RESOLUTION 87-2010

  
CITY CLERK

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF THE CITY TO PETITION THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA, FOR PERMISSION TO FUND UNFUNDED DEBT IN AN AMOUNT NOT TO EXCEED \$20,000,000; AUTHORIZING INCIDENTAL ACTION; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the "City"), is of the opinion that as of the fiscal year ending 2010, the City will have unfunded debt contracted for current operating expenses and outstanding indebtedness in an amount not to exceed \$20,000,000, for which funds will not be available from revenues estimated to be received by the end of the current fiscal year; and

WHEREAS, the City has determined that paying said sum by curtailing public services will be dangerous to public health and welfare, and that it is not feasible to levy additional taxes in the current fiscal year; and

WHEREAS, the City has determined to apply by Petition to the Court of Common Pleas of Berks County, Pennsylvania, for the purpose of obtaining permission to fund its unfunded debt with its General Obligation Bonds, Series of 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

SECTION 1. The City hereby approves the form of Petition presented to this meeting (which shall be filed with the records of the City), requesting authority from the Court of Common Pleas of Berks County, Pennsylvania, to fund unfunded debt in an amount not to exceed \$20,000,000, pursuant to the provisions of Section 8130 of Act 177 of 1996, known as the Local Government Unit Debt Act, approved December 19, 1996, by the issuance of its General Obligation Bonds, Series of 2010, to mature within ten years. A copy of the form of the Petition is attached hereto and incorporated herein as Exhibit "A".

SECTION 2. The City hereby authorizes Charles D. Younger, Esquire, to represent the City for the unfunded debt proceedings.

SECTION 3. The proper officers of the City are authorized to sign and acknowledge the Petition in substantially the form approved in Section 1 hereof, with such changes therein as counsel advises and the said officers may approve, their approval to be evidenced by their execution thereof.

SECTION 4. The proper officers of the City are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the funding of the City's unfunded debt in an amount not to exceed \$20,000,000.

SECTION 5. All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

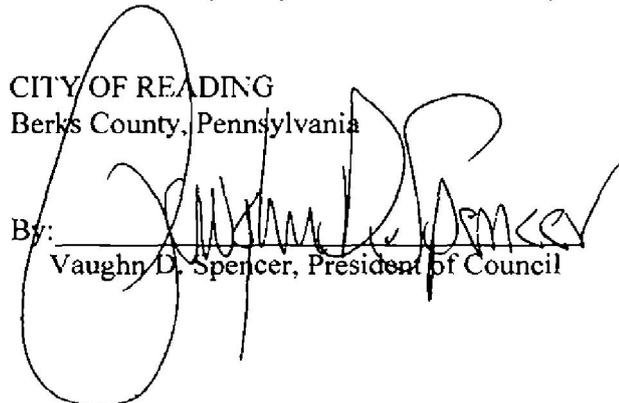
IN WITNESS WHEREOF, we, officers of the City of Reading, Berks County, Pennsylvania, have hereunto set our hands and seal of the City, duly attested this 20th day of September, 2010.

Attest:

CITY OF READING  
Berks County, Pennsylvania



Linda A. Kelleher CMC, City Clerk

By:   
Vaughn D. Spencer, President of Council

(SEAL)

Exhibit "A"

Form of Petition

IN RE: : IN THE COURT OF COMMON PLEAS OF  
: BERKS COUNTY  
FUNDING OF UNFUNDED DEBT OF THE :  
CITY OF READING, BERKS COUNTY, : COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA : NO. \_\_\_\_ OF 2010  
:

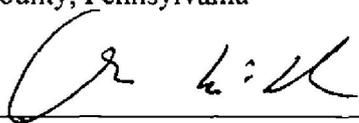
PETITION FOR PERMISSION  
TO FUND UNFUNDED DEBT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. This Petition is filed pursuant to Section 8130 of Act 177 of 1996, known as the Local Government Unit Debt Act, approved December 19, 1996.
2. The Petitioner is the City of Reading, Berks County, Pennsylvania (the "Petitioner"), with offices at 815 Washington Street, Reading, Pennsylvania 19601. This Petition is authorized by a Resolution of the Petitioner, duly adopted on September 20, 2010, a copy of which is attached hereto and incorporated herein as Exhibit "A".
3. The Petitioner avers that there was an unforeseeable shortfall in revenues and unanticipated expenses resulting in unpaid current fiscal year bills of \$20,000,000.
4. The City is legally obligated to pay said debts.
5. The City has determined that paying the unforeseeable shortfall of \$20,000,000 by curtailing public services will be dangerous to public health and safety and that it is not feasible to levy additional taxes in the current fiscal year.

WHEREFORE, the Petitioner prays your Honorable Court to issue an order pursuant to Section 8130 of the Local Government Unit Debt Act granting permission to fund all of the unfunded debt of the City in an amount not to exceed \$20,000,000 by the issuance of its General Obligation Bonds, Series of 2010, to mature over a period of not to exceed ten years.

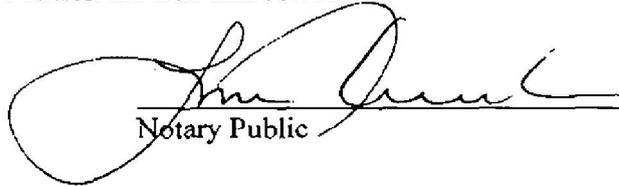
CITY OF READING  
Berks County, Pennsylvania

  
\_\_\_\_\_  
Mayor

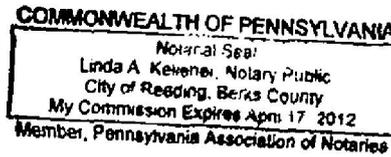
A-i

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF BERKS :

On this, the 25<sup>th</sup> day of Sept, 2010, before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Berks County, Pennsylvania, personally appeared THOMAS MCMAHON, who, being duly sworn according to law, did depose and say that he is the Mayor of the City of Reading, Berks County, Pennsylvania, and that the facts set forth in the foregoing Petition are true and correct.

  
\_\_\_\_\_  
Notary Public

(SEAL)



IN RE: : IN THE COURT OF COMMON PLEAS  
: OF BERKS COUNTY, PENNSYLVANIA  
FUNDING OF UNFUNDED :  
DEBT OF THE CITY OF : NO. 10-18091  
READING, BERKS COUNTY, :  
PENNSYLVANIA : Assigned: Jeffrey L. Schmehl, P.J.

ORDER

AND NOW, this 25<sup>th</sup> day of OCTOBER, 2010, after hearing, on due

notice to the local government unit and the taxpayers thereof, the Court finds:

That the City of Reading, a local government unit of the County of Berks, Pennsylvania has unfunded debt incurred for unanticipated expenses and an unforeseeable shortfall in revenues for fiscal year 2010 as defined in Section 8129 of the Local Government Unit Debt Act, as amended, in the amount of \$20,000,000.00.

That the City of Reading's said unfunded debt was lawfully incurred: that it was not reasonable to foresee such unfunded debt obligations; that paying such debt by curtailing services may be dangerous to the public health and safety; that it is not feasible to levy additional taxes in the current fiscal year; and that additional taxes would be seriously regressive and not in the public interest;

That the requested funding of said unfunded debt, and the proposed maturities and interest, will not endanger the rendering of services or require the levying of excessive taxes; and

That the debt shall not be charged against the debt limits of Section 8022 of the Local Government Unit Debt Act, as amended.

NOW THEREFORE, it is hereby ordered:

1. That the City of Reading be and it is authorized to fund unfunded debt by the

issuance of notes or bonds in the amount of not to exceed \$20,000,000.00 by a series of general obligation bonds or notes.

2. That these general obligation bonds or notes shall mature within a period of ten (10) years from the date of issue.

BY THE COURT:



P.J.

RECEIVED  
PROTHONOTARY'S OFFICE  
2009 OCT 28 A 10:39  
BERKS COUNTY  
MARRANNE R. SUTTON  
PROTHONOTARY

NOTICE IS HEREBY GIVEN OF THE ENTRY OF THIS ORDER OR DECREE PURSUANT TO RULE P.C.P. 236 YOU ARE NOTIFIED THAT THIS ORDER/DOCUMENT HAS BEEN FILED IN THE PROTHONOTARY'S OFFICE OF BERKS COUNTY AND THIS IS AN EXTRACT FROM THE RECORD OF SAID COURT CERTIFIED THIS

28 DAY OF October 2010  
Marranne R. Sutton, Prothonotary  
Dawn Jenkins Deputy