

## RESOLUTION

### NO. 62-2020

**WHEREAS**, in about 1939, the City of Chester organized the Chester Municipal Authority under the Municipality Authorities Act, which entity is now known as the Chester Water Authority; and

**WHEREAS**, litigation is ongoing regarding to the City's interest in the water system assets and the City is committed to understanding the right course of action for the City as soon as the legal dispute over the rights of the City under the Municipality Authorities Act is finally resolved; and

**WHEREAS**, the City has determined it is in its best interest to explore whether to follow the process established by the General Assembly to potentially monetize assets of the Chester Water Authority; and

**WHEREAS**, a request for proposal was issued on February 12, 2020, and bids from three offerors were received on March 9, 2020; and

**WHEREAS**, the three offerors are Aqua Pennsylvania, the Chester Water Authority, and Pennsylvania American Water, all three of which are well-known, experienced, high-quality operators; and

**WHEREAS**, the Mayor was authorized on February 12 to pursue such a transaction to the extent he deems appropriate, provided that any transaction be returned to the Council for approval of any agreement or other plan that establishes the final disposition of such assets; and

**WHEREAS**, the novel coronavirus has caused us to change the planned process for public engagement around these proposals; and

**NOW, THEREFORE**, intending to be legally bound, the City Council of the City of Chester resolves as follows:

**RESOLVED**, the City should make all three proposals, in detail, publicly available through online distribution and allow public comment through those means; and be it further

**RESOLVED**, through counsel, and as directed by the Mayor, the City should commence negotiations with all three potential offerors; and be it further

**RESOLVED**, that the approval of negotiations in this resolution is intended to be short of, and shall not constitute, an expression of a desire to finally transfer the assets to the City within the meaning of Section 22(a) of the Municipality Authorities Act, 53 Pa. C.S. § 5622(a); and be it further

**RESOLVED**, the Mayor is authorized to pursue such a transaction to the extent he deems appropriate, provided that any transaction be returned to the Council for approval of any agreement or other plan that establishes the final disposition of such assets.

**WE HEREBY CERTIFY** that this Resolution passed Council this 22<sup>nd</sup> day of April, A.D. 2020.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_

CITY CLERK