C I T Y C O U N C I L O F E R I E

INTRODUCED BY: Mr. C. Ted Dombrowski

COUNCIL FILE NO. 13,501

OFFICIAL ORDINANCE NO. 64-1985

AN ORDINANCE

An ordinance signifying the desire and intention of the City of Erie, County of Erie and State of Pennsylvania, to organize an authority under the Act of Assembly of May 2, 1945, P. L. 382, as amended and supplemented, and known as the "Municipality Authorities Act of 1945" for the purpose of undertaking any projects for any college, university or institution of higher learning at such locations within or without the City of Erie, and which are authorized by the provisions of the Municipality Authorities Act of May 2, 1945, P. L. 382, as amended and supplemented.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, COUNTY OF ERIE AND STATE OF PENNSYLVANIA, BEING THE MUNICIPAL AUTHORITIES OF SAID CITY AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. It is the desire and intention of the City of Erie in the State of Pennsylvania, to organize an Authority under the "Municipality Authority Act of 1945" approved May 2, 1945, P. L. 382, as amended and supplemented.

Section 2. The name of the proposed Authority shall be "City of Erie Higher Education Building Authority" and it shall be formed for the following purposes: undertaking any project for any college, university or institution of higher learning at such locations within or without the City of Erie, and which are authorized by the provisions of the Municipality Authorities Act of May 2, 1945, P. L. 382, as amended and supplemented.

Section 3. The proposed Articles of Incorporation of the proposed authority are as follows:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the Municipality Authorities Act of May 2, 1945, P. L. 382, as amended and supplemented, the City of Erie, a municipality of the Commonwealth of Pennsylvania, pursuant to an Ordinance duly enacted by the City Council of the City of Erie signifying said City's desire and intention to form an Authority, hereby certifies:

(a) The name of the Authority shall be: CITY OF ERIE HIGHER EDUCATION BUILDING AUTHORITY

(b) The Authority is formed under the Act of May 2, 1945, P. L. 382, as amended and supplemented.

(c) The following other Authorities have been created under the Municipal Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, and are in existence in and for the incorporated municipality.

Erie Municipal Airport Authority
Incorporated January 23, 1951

Erie Sewer Authority
Incorporated January 8, 1953

Erie Municipal Park Authority
Incorporated June 12, 1964

Erie City Water Authority
Incorporated September 23, 1966

Erie Metropolitan Transit Authority
Incorporated August 10, 1966

Erie Civic Center Authority
Incorporated September 17, 1976

Downtown Center City Authority
Incorporated August 27, 1980

(d) The name of the incorporating municipality is: CITY OF ERIE.

(e) The names and addresses of the Mayor and City Council of the City of Erie are as follows:

Mayor Louis J. Tullio
660 East Grandview Boulevard, Erie, PA 16504

Council President Gerald E. Mifsud
1111 West 25 Street, Erie, PA 16502

Councilman Mario S. Bagnoni
4423 Peach Street, Erie, PA 16509

Councilman Patrick S. Cappabianca
4133 French Street, Erie, PA 16504

Councilman Walter Crishock
4622 Sunnydale Boulevard, Erie, PA 16508

Councilman C. Ted Dombrowski
2656 Hazel Street, Erie, PA 16508

Councilwoman Joyce Savocchio
4015 Allegheny Road, Erie, PA 16509

Councilman Joseph A. Walczak, Jr.
839 East 28 Street, Erie, PA 16504

(f) The governing body of the City of Erie Higher Education Building Authority shall be comprised of seven members, (two ex officio members and five appointed members) all of whom shall serve without compensation. The two ex officio members shall be the City Treasurer and the President of City Council. The five remaining members shall be appointed by the City Council of the City of Erie on the recommendation of the Mayor. Each of the appointed members shall serve for an initial term as set forth below, and thereafter for a term of five years with vacancies for new or unexpired terms being filled in the same manner as they were originally appointed. All members of the Authority shall be residents of the City of Erie during their term of office. The ex officio members shall be voting members of such Authority.

(g) The names and addresses of the two ex officio members of the Board of said Authority are as follows:

Treasurer of the City of Erie
Carl F. Cannavino
Room 105, Municipal Building, Erie, PA 16501

City Council President
Gerald F. Mifsud
1111 West 25 Street, Erie, PA 16502

both of whom reside in and are citizens of the City of Erie, Pennsylvania.

(h) The names, addresses and date of expiration of each initial term of office of the first appointed Members of the Board of said Authority are as follows:

1. CRAIG ALLISON — January 1, 1987
   538 Mohawk Drive, Erie, PA 16505

2. ACHILLES PULAKOS — January 1, 1988
   338 E. Eighth Street, Erie, PA 16503

3. WILLIAM J. HILL, JR. — January 1, 1989
   4216 Trask Avenue, Erie, PA 16508

4. J. ROBERT BALDWIN — January 1, 1990
   3857 State Street, Erie, PA 16508

5. CHARLES H. HESS — Janaury 1, 1991
   3908 Cherry Street, Erie, PA 16509

all of whom reside in and are citizens of the City of Erie, Pennsylvania.

IN WITNESS WHEREOF, the Incorporative Municipality has caused these Articles of Incorporation to be executed by the proper officers and the Seal of the Municipality to be affixed this 15th day of November, 1985.

CITY OF ERIE

BY: Louis J. Tullio
Mayor

Attest:

James Klemm
City Clerk

Section 4. The Articles of Incorporation of the proposed CITY OF ERIE HIGHER EDUCATION BUILDING AUTHORITY, in substantially the form set forth in Section 3 of this ordinance, shall be executed and acnowledged on behalf of the City of Erie by the Mayor and the Mayor is hereby authorized, empowered and directed on behalf of the City of Erie to make application to the Secretary of the Commonwealth of Pennsylvania for Articles of Incorporation for the CITY OF ERIE HIGHER EDUCATION BUILDING AUTHORITY, and to do, execute and perform any and all official acts necessary to effect and establish such proposed Authority in accordance with the provisions of the aforesaid Municipality Authorities Act of 1945, as amended and supplemented.

Section 5. Expired and or vacated terms of Authority members shall be filled in the same manner by the Mayor and/or City Council as they were originally appointed, except that all appointments and/or reappointments to expired terms shall be for a five year term. Upon the expiration of an Authority member's term, said members term shall terminate unless reappointed within 30 days. If the appointing body or individual fails to replace or reappoint said member within this 30 day period, the vacancy shall be filled at the expiration of said 30 day period by the other body or individual having appointive power.

Section 6. The City of Erie shall not guarantee this or any other bond issue or any liabilities of the City of Erie Higher Education Building Authority now or hereinafter created.

Section 7. All ordinances and resolutions and all parts of either thereof which are inconsistent herewith shall be and the same are hereby repealed.

Section 8. If any section or part of this ordinance shall be declared unconstitutional, it is intended that it shall not effect the remaining sections or parts thereof.

Section 9. That this ordinance shall be deemed of an emergency nature and shall become effective immediately upon final passage and approval by the Mayor.

We do hereby certify that the above ordinance was finally passed by the City Council on November 13, 1985, as amended.

SIGNED November 13, 1985

Attest: November 13, 1985

Gerald F. Mifsud
President of Council

James Klemm
City Clerk

THIS ORDINANCE APPROVED THIS 15th DAY OF November, 1985.

Louis J. Tullio
Mayor