

Bill No. 5272-09
No. 46-09-RE

A RESOLUTION

A Resolution of the County of Allegheny authorizing the distribution of certain assets of the Allegheny County Economic Development, Community Infrastructure and Tourism Board to the Redevelopment Authority of Allegheny County, as agent for the County of Allegheny; ratifying and adopting all actions of the Allegheny County Economic Development, Community Infrastructure and Tourism Board as actions of Allegheny County; appointing the Redevelopment Authority of Allegheny County as agent for Allegheny County for the purpose of administering the FY 2007-08 funds provided for use in the County under the Pennsylvania Race Horse Development and Gaming Act and previously accepted by the County; and approving an Agency Agreement with the Redevelopment Authority of Allegheny County regarding the FY 2007-08 funds.

Whereas, pursuant to the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S.A. §1101, *et seq.* (the "Act"), the Commonwealth of Pennsylvania established the Pennsylvania Gaming Economic Development and Tourism Fund (the "State Fund"); and

Whereas, in 2007 the Commonwealth adopted the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007, for the purpose of itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs, authorizing recurring payments for certain projects, and making appropriations (the "State Budget"); and

Whereas, under the provisions of the State Fund and State Budget, for a twelve year period, the State Fund will provide monies to support certain restricted and specified projects, as set forth in greater detail in the Act, within cities and counties of the first and second class; and

Whereas, one of the restricted and specified projects identified in the Act and State Budget is to pay \$80 million to a county of the second class "for distribution to a community infrastructure development fund of a county of the second class to fund construction, development, improvement and maintenance of infrastructure projects" 4 Pa.C.S.A. §1407(d)(5); and

Whereas, in April 2006, shortly after the Act was passed, the Redevelopment Authority of Allegheny County ("RAAC") formed the entity now known as the Allegheny County Economic Development, Community Infrastructure and Tourism Board (the "CITB") to directly manage the fund established by RAAC in order to carry out the intent of the Act, which fund is now known as the Allegheny County Economic Development, Community Infrastructure and Tourism Fund (the "Tourism Fund"); and

Whereas, on June 17, 2008, the Council of the County of Allegheny enacted Resolution 28-08-RE authorizing the County formally to accept the \$6,600,000 of funds (the "FY 07-08 Disbursement") previously received from the State Fund and to transfer the FY 07-08 Disbursement to the Tourism Fund (the "Local Fund") which has been administered by the CITB; and

Whereas, CITB is currently contemplating dissolution; and

Whereas, the Amended and Restated Articles of Incorporation of CITB state that, upon dissolution of CITB, its assets are to be distributed to the County of Allegheny (the "County") or, if so directed by the County, to RAAC; and

Whereas, at the request of the Chief Executive and the County's Department of Economic Development, County Council desires to, effective upon the approval of dissolution by CITB, (i) direct all assets of CITB to RAAC, as agent for the County; (ii) ratify and adopt all actions taken by CITB as acts of the County; (iii) appoint RAAC as agent for the County for the purpose of administering the FY 07-08 Disbursement provided for use in the County under the Act; (iv) enter into an agency agreement with RAAC under the terms of which RAAC shall carry out the responsibilities previously performed by CITB with respect to administration of the FY 07-08 Disbursement, in substantially the form presented to the County Council of Allegheny County (the "Agency Agreement"); and (v) take all such actions on or before March 31, 2010.

The Council of the County of Allegheny hereby resolves as follows:

Section 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Resolution are incorporated by reference in their entity herein.

Section 2. Direction of CITB Assets upon Dissolution.

The County Council of Allegheny County hereby declares that, effective upon the approval by CITB to dissolve itself, which shall take place on or before March 31, 2010, all assets of CITB shall be directed to RAAC, as agent for the County.

Section 3. Ratification of Past Acts

The County Council of Allegheny County hereby ratifies and adopts all actions taken by CITB as the acts of the County.

Section 4. Appointment of Agent

The County Council of Allegheny County hereby appoints, effective upon the approval by CITB to dissolve itself, RAAC as agent for the County for the purpose of administering the FY 07-08 Disbursement provided for use in the County under the Act, together with such other funds as have been deposited in the Local Fund to date.

Section 5. Approval of Agency Agreement.

The County Council of Allegheny County hereby approves, effective upon the approval by CITB to dissolve itself, the Agency Agreement.

Section 6. Execution of Documents.

The County Manager is hereby authorized, empowered and directed to execute all documents and to do all other acts as may be necessary and proper to carry out the intent and purpose of the foregoing resolutions.

Section 7. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

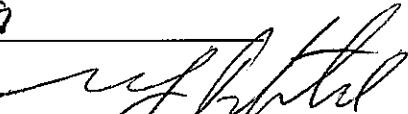
Section 8. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

PRIMARY SPONSOR: PRESIDENT FITZGERALD

CO-SPONSORS: COUNCIL MEMBERS DeFAZIO, FINNERTY, MACEY and ROBINSON

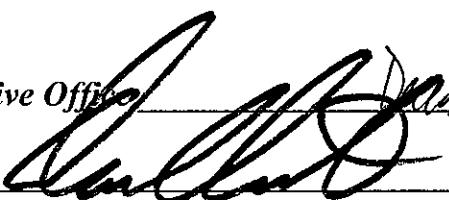
Enacted in Council, this 15th day of December, 2009.

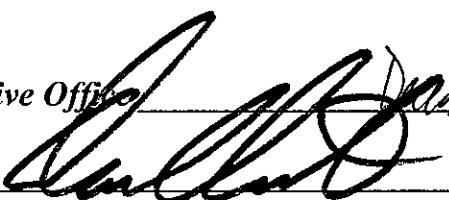
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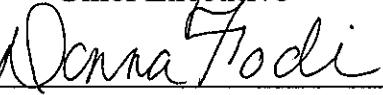


Rich Fitzgerald
President of Council

Attest: 
Allegheny County Council

Chief Executive Office  December 17, 2009

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Fodi
Executive Secretary