



# Allegheny County Council

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## Legislation Details (With Text)

**File #:** 11876-21      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Enacted

**File created:** 5/21/2021      **In control:** Chief Clerk

**On agenda:** 5/25/2021      **Final action:** 6/8/2021

**Title:** Resolution of the County of Allegheny, Commonwealth of Pennsylvania, approving an amendment of the Articles of Incorporation of the Allegheny County Airport Authority to extend its term of the existence until June 17, 2059.

**Sponsors:** Chief Executive

**Indexes:**

**Code sections:**

**Attachments:** 1. 11876-21 ACAA resolution summary.docx, 2. 11876-21 Attachment - ACAA Resolution 4-19-21.pdf, 3. 08-21-RE 11876-21.pdf

| Date      | Ver. | Action By                                   | Action                               | Result |
|-----------|------|---|--------------------------------------|--------|
| 6/9/2021  | 1    | Chief Executive                             | Signed by Chief Executive            |        |
| 6/8/2021  | 1    | County Council                              | Passed for Chief Executive Signature | Pass   |
| 6/1/2021  | 1    | Committee on Economic Development & Housing | Affirmatively Recommended            | Pass   |
| 5/25/2021 | 1    | County Council                              | Referred by Chair                    |        |

Resolution of the County of Allegheny, Commonwealth of Pennsylvania, approving an amendment of the Articles of Incorporation of the Allegheny County Airport Authority to extend its term of the existence until June 17, 2059.

**WHEREAS**, on June 17, 1999, the then Board of Commissioners of Allegheny County adopted a resolution providing for the creation of the Allegheny County Airport Authority (ACAA) pursuant to the provisions of the Municipality Authorities Act of 1945 (the Act), 53 Pa. C.S.A § 5601 *et seq.*; and

**WHEREAS**, the Secretary of the Commonwealth approved ACAA's Articles of Incorporation on June 17, 1999 and the ACAA held its organizational meeting on July 29, 1999; and

**WHEREAS**, Section 5605 (a) (2) of the Act allows an authority to amend its articles of incorporation to modify or add a provision to increase the authority's term of existence to a date not exceeding 50 years from the date of approval of the articles of amendment; and

**WHEREAS**, the ACAA is now planning to issue bonds for the financing of the redevelopment of the new terminal ("Terminal Modernization Project" or "TMP") with a term of up to 35 years for maturity; and

**WHEREAS**, the ACAA's current term of existence will expire on or about June 17, 2049, thereby allowing for ACAA to issue bonds for the TMP having a term of less than 28 years; and

**WHEREAS**, an amendment extending the ACAA's existence to 2059 will allow for the issuance of 35-year maturity bonds in keeping with the ACAA's finance plan for the TMP and for the potential that bonds may

be issued in series which would have different maturities; and

**WHEREAS**, Section 5605 (b) of the Act requires that an authority wishing to amend its Articles of Incorporation must have its board adopt a resolution approving the proposed amendment to its Articles of Incorporation and submit the proposed amendment to the municipality that created the authority for the municipality's approval; and

**WHEREAS**, the ACAA's Board adopted a Resolution on April 16, 2021 in conformity with the requirements set forth in Section 5605 (b) of the Act, a true and correct copy of which is attached hereto as Exhibit "A," approving a proposed amendment of the ACAA's Articles of Incorporation to extend the term of ACAA's existence to June 17, 2059 and requesting approval of the County of Allegheny, the creating municipality of the ACAA; and

**WHEREAS**, the Allegheny County Council has determined that the interest of the citizens of Allegheny County would be best served by approving an amendment of the ACAA's Articles of Incorporation to extend the term of existence of the ACAA to June 17, 2059.

***NOW, THEREFORE, be it resolved by the Council of Allegheny County as follows:***

***Section 1. - Approval of the Amendment of ACAA's Articles of Incorporation.***

Allegheny County Council hereby does authorize and approve an Amendment of the Articles of Incorporation of the Allegheny County Airport Authority to provide as follows:

"The Articles of Incorporation filed on June 17, 1999 with the Secretary of the Commonwealth of Pennsylvania creating the Allegheny County Airport Authority are hereby amended to increase the term of existence of the Allegheny County Airport Authority to June 17, 2059.

***Section 2. - Authorization to Execute, Advertise and File the Amendment to ACAA's Articles of Incorporation.***

Allegheny County Council authorizes the Allegheny County Airport Authority to execute, advertise and file the Amendment of the Articles of Incorporation of the Allegheny County Airport Authority in accordance with the requirements of subsections (c), (d) and (e) of Section 5605 of Act.

***Section 3. - 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 4. - 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.***

***Section 5. - Effective Date.***

***This Resolution shall become effective upon its approval.***