

CITY OF CORRY

Ordinance

Ordinance No. 1643

Council Bill No. 23-12

Introduced by Mayor Baker

AN ORDINANCE SIGNIFYING THE CITY OF CORRY, ERIE COUNTY, PENNSYLVANIA'S APPROVAL OF THE AIRPORT AUTHORITY OF THE CITY OF CORRY'S PROPOSED AMENDMENT TO ITS ARTICLES OF INCORPORATION TO CURE AN ERROR MADE IN THE ORIGINAL ARTICLES OF INCORPORATION AND CORRECTLY DELINEATE THE EXPIRATION DATES OF THE INITIAL TERMS OF OFFICE OF THE AIRPORT AUTHORITY'S BOARD MEMBERS.

WHEREAS, the Council of the City of Corry, Erie County, Pennsylvania ("City") passed Ordinance No. 1623 on May 19, 2022 (attached hereto as "Attachment #1") in which the City signified its intention to organize an airport authority pursuant to the Pennsylvania Municipality Authorities Act, Act of June 19, 2001, P.L. 287, *as amended*, and codified at 53 Pa. C.S. §5601 *et seq.* ("Act"); and

WHEREAS, pursuant to Ordinance No. 1623, the City created the Airport Authority of the City of Corry ("Airport Authority") by filing Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania on June 6, 2022 ("Articles of Incorporation") pursuant to the Act; and

WHEREAS, a copy of those Articles of Incorporation are attached to this Ordinance as "Attachment 2"; and

WHEREAS, section 5610 of the Act, 53 Pa. C.S. §5610(a)(1), provides that when an authority is incorporated by one municipality, the board of the authority shall consist of a number of members, not less than five, as enumerated in the articles of incorporation and whose terms of office shall commence on the effective date of their appointment as follows: "One member shall serve for one year, one for two years, one for three years, one for four years and one for five years commencing with the first Monday in January next succeeding the date of incorporation of amendment;" and

WHEREAS, as required by section 5603(c)(5) of the Act, 53 Pa. C.S. §5603(c)(5), the Articles of Incorporation identified the names, addresses and terms of office of the first members of the Board of the Airport Authority as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
Charles Gray	4 S. Center St Corry, PA 16407	1 year; expires December 31, 2024
Brody Howard	221 N. Center St Corry, PA 16407	2 years; expires December 31, 2025

Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2026
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2027
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2028;

and

WHEREAS, through inadvertent error, the Articles of Incorporation incorrectly identified the expiration date of the initial terms of the Airport Authority Board members to extend one year beyond what the initial term should have been pursuant to section 5610 of the Act; and

WHEREAS, section 5605(a)(4) of the Act, 53 Pa. C.S. §5605(a)(4), authorizes an authority to amend its articles of incorporation “to revise the terms of office of members ... in a manner consistent with the provisions of section 5610 (relating to governing body);” and

WHEREAS, the Airport Authority passed a Resolution on October 24, 2023, a copy of which said Resolution is attached to this Ordinance and marked as “Attachment 3,” in which it proposed to amend the original Articles of Incorporation to cure the mistake identified above and correctly delineate the expiration dates of the initial terms of office of the Airport Authority’s Board members; and

WHEREAS, section 5605(b) of the Act, 53 Pa. C.S. §5605(b), provides that once the Airport Authority passes this Resolution and submits it to City Council, the City must approve and adopt the proposed amendment to the Articles of Incorporation by resolution or ordinance.

AND NOW, on this 18th day of December, 2023, the Council of the City of Corry, Erie County, Pennsylvania hereby RESOLVES the following:

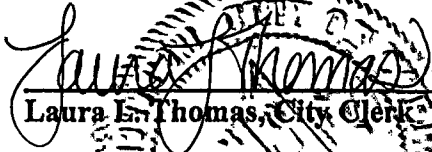
1. To APPROVE and ADOPT the Airport Authority’s proposed AMENDMENT of section 5 of the Articles of Incorporation. Section 5 of the Articles of Incorporation shall be AMENDED to read as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
Charles Gray	4 S. Center St Corry, PA 16407	1 year; expires December 31, 2023
Brody Howard	221 N. Center St Corry, PA 16407	2 years; expires December 31, 2024
Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2025
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2026
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2027


2. To AUTHORIZE the City Clerk and Mayor to execute this Ordinance on behalf of the City and provide a certified copy to the Airport Authority.


3. That all ordinances, resolution or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

We do hereby certify that the foregoing Ordinance has been passed by the Council of the City of Corry, Erie County, Pennsylvania, on this 18th day of December, 2023.

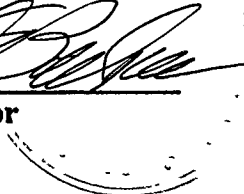


Laura E. Thomas, City Clerk





Michael E. Baker, Mayor



Ordinance # 1643
Attachment #1

CITY OF CORRY

Ordinance

Ordinance No. 1623

Council Bill No. 22-03

Introduced by Mayor Baker

AN ORDINANCE SIGNIFYING THE INTENTION OF THE CITY OF CORRY TO ORGANIZE AN AIRPORT AUTHORITY UNDER THE PROVISIONS OF THE ACT OF 2001, JUNE 19TH, P.L. 287, AS AMENDED, TO BE KNOWN AS THE "AIRPORT AUTHORITY OF THE CITY OF CORRY," THE PURPOSE OF ACQUIRING, HOLDING, CONSTRUCTING, IMPROVING, MAINTAINING, OPERATING, OWNING OR LEASING AN AIRPORT KNOWN AS THE "CORRY LAWRENCE AIRPORT" AND OTHER AIR-FIELDS AND LANDING FIELDS, LOCATED IN ERIE COUNTY, PENNSYLVANIA, TO BE DEVOTED WHOLLY OR PARTIALLY TO PUBLIC USE FOR INCOME PRODUCING PURPOSES IN CONNECTION WITH THE EXERCISE OF OWNERSHIP AND OPERATION OF SAID AIRPORT, AIR-FIELDS AND LANDING FIELDS AND TO EXERCISE ALL POWERS NECESSARY OR INCIDENTAL THERETO AS PERMITTED AND AUTHORIZED BY THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA AND AS THE CITY OF CORRY MAY APPROVE BY RESOLUTION OR ORDINANCE; TO AUTHORIZE THE OFFICERS OF THE CITY OF CORRY TO EXECUTE ARTICLES OF INCORPORATION SUBSTANTIALLY AS SET FORTH IN THIS ORDINANCE, AND DIRECTING ADVERTISEMENT AND THE FILING OF ARTICLES OF INCORPORATION WITH THE SECRETARY OF THE COMMONWEALTH, UPON PAYMENT OF FEES THEREON, AND SUCH OTHER ACTS AS MAY BE NECESSARY TO EFFECTUATE THE COMPLETE ORGANIZATION OF SAID AUTHORITY; AND REPEALING ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED by the Council of the City of Corry, Erie County, Pennsylvania, and it is hereby enacted by authority of same:

Section 1. The City of Corry hereby signifies its intention and desire to organize an authority under the Municipality Authorities Act approved June 19, 2001 (P.L. 287) and its amendments, 53 Pa. C.S. §5601 *et seq.*, such Authority to be empowered to acquire, hold, construct, improve, maintain, operate, own or lease an airport known as the "Corry Lawrence Airport" and other air-fields and landing fields, located in Erie County, Pennsylvania and undertake such airport projects permitted or authorized by the Municipality Authorities Act, to be devoted wholly or partially to public use for income producing purposes in connection with the exercise of ownership and operation of said airport, air-fields and landing fields and to exercise all powers necessary or incidental thereto as permitted and authorized by the laws of the Commonwealth of Pennsylvania and as the City of Corry may approve by resolution or ordinance.

Section 2. The proper officers of the City of Corry are hereby authorized and directed to execute on behalf of the City of Corry Articles of Incorporation for said Airport Authority in substantially the following form:

"Articles of Incorporation

To the Secretary of the Commonwealth
Commonwealth of Pennsylvania

In compliance with the requirements of the Act of June 19, 2001, P.L. 287, as amended, the Council of the City of Corry, a municipal corporation of the County of Erie, Commonwealth of Pennsylvania, desiring to organize an airport authority thereunder, does hereby certify:

1. The name of the Authority is "Airport Authority of the City of Corry".
2. The said Authority is formed under the Act of June 19, 2001, P.L. 287, as amended and supplemented.
3. Two other authorities have been created by the City of Corry and are currently in existence. The "Municipal Authority of the City of Corry" was incorporated on September 11, 1941 pursuant to the Municipality Authorities Act of 1935, Act of June 28, 1935 (P.L. 463, No. 191. The "Redevelopment Authority in the City of Corry" was incorporated on October 21, 1974 pursuant to the Municipality Authorities Act of 1945, Act of May 2, 1945 (P.L. 382, No. 164).
4. The name of the incorporating municipality is The City of Corry. The names and addresses of the City of Corry's existing Municipal Authorities are as follows:
 - Municipal Authority of the City of Corry, 100 S. Center Street, Corry PA 16407
 - Redevelopment Authority in the City of Corry, 1541 Enterprise Road, Corry PA 16047
5. The names and addresses and terms of office of the first members of the Board of the Authority are as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
Charles Gray	4 S Center St Corry, PA 16407	1 year; expires December 31, 2024
Brody Howard	221 N Center St Corry, PA 16407	2 years; expires December 31, 2025
Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2026
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2027
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2028

6. The project or projects to be undertaken by the said Authority shall be such projects dealing with the acquisition, holding, construction, improvement, maintenance, operation, ownership or lease of the airport known as the "Corry Lawrence Airport" and other air-fields and landing fields, located in Erie County, Pennsylvania, and such airport projects

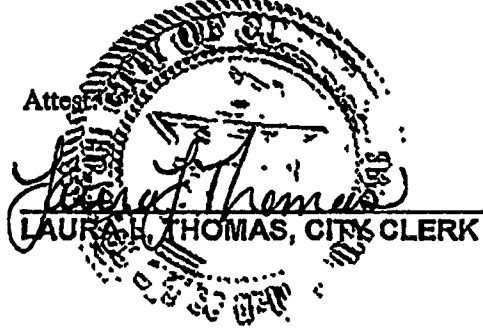
permitted or authorized by the Municipality Authorities Act, to be devoted wholly or partially to public use for income producing purposes in connection with the exercise of ownership and operation of said airport, air-fields and landing fields and to exercise all powers necessary or incidental thereto as permitted and authorized by the laws of the Commonwealth of Pennsylvania and as the City of Corry may approve by resolution or ordinance.

Section 3. Legal counsel for the City of Corry is further authorized and directed to take such steps as may be necessary, including such advertisements as may be proper and the filing of the Articles of Incorporation with the Secretary of the Commonwealth and the payment of fees thereon, and such other acts as may be necessary to effectuate the complete organization of the said Authority.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

We do hereby certify that the foregoing Ordinance has been passed by the Council of the City of Corry, Erie County, Pennsylvania, on this 19th day of May, 2022.

Attest:



Laura H. Thomas
LAURA H. THOMAS, CITY CLERK



MICHAEL E. BAKER, MAYOR

2348401.v1

Ordinance # 1643
Attachment # 2

Articles of Incorporation

To the Secretary of the Commonwealth
Commonwealth of Pennsylvania

In compliance with the requirements of the Act of June 19, 2001, P.L. 287, as amended, the Council of the City of Corry, a municipal corporation of the County of Erie, Commonwealth of Pennsylvania, desiring to organize an airport authority thereunder, does hereby certify:

1. The name of the Authority is "Airport Authority of the City of Corry".
2. The said Authority is formed under the Act of June 19, 2001, P.L. 287, as amended and supplemented.
3. Two other authorities have been created by the City of Corry and are currently in existence. The "Municipal Authority of the City of Corry" was incorporated on September 11, 1941 pursuant to the Municipality Authorities Act of 1935, Act of June 28, 1935 (P.L. 463, No. 191). The "Redevelopment Authority in the City of Corry" was incorporated on October 21, 1974 pursuant to the Municipality Authorities Act of 1945, Act of May 2, 1945 (P.L. 382, No. 164).
4. The name of the incorporating municipality is The City of Corry. The names and addresses of the City of Corry's existing Municipal Authorities are as follows:
 - a. Municipal Authority of the City of Corry, 100 S. Center Street, Corry PA 16407
 - b. Redevelopment Authority in the City of Corry, 1541 Enterprise Road, Corry PA 16047
5. The names and addresses and terms of office of the first members of the Board of the Authority are as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
Charles Gray	4 S Center St Corry, PA 16407	1 year; expires December 31, 2024
Brody Howard	221 N Center St Corry, PA 16407	2 years; expires December 31, 2025
Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2026
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2027
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2028

6. The project or projects to be undertaken by the said Authority shall be such projects dealing with the acquisition, holding, construction, improvement, maintenance, operation, ownership or lease of the airport known as the "Corry Lawrence Airport" and other air-

fields and landing fields, located in Erie County, Pennsylvania, and such airport projects permitted or authorized by the Municipality Authorities Act, to be devoted wholly or partially to public use for income producing purposes in connection with the exercise of ownership and operation of said airport, air-fields and landing fields and to exercise all powers necessary or incidental thereto as permitted and authorized by the laws of the Commonwealth of Pennsylvania and as the City of Corry may approve by resolution or ordinance.

City of Corry, Pennsylvania, Ordinance No. 1623 signifying Council's intent to organize this Airport Authority of the City of Corry was approved by Council of the City of Corry, Pennsylvania on May 19, 2022. The City of Corry City Clerk and Mayor hereby execute these Articles of Incorporation, under the City of Corry's municipal seal, on this 3rd day of June, 2022:


Laura L. Thomas, City Clerk


Michael E. Baker, Mayor

Ordinance # 1643
Attachment # 3

RESOLUTION

AIRPORT AUTHORITY OF THE CITY OF CORRY

RE: APPROVAL OF PROPOSED AMENDMENT TO ARTICLES OF INCORPORATION

WHEREAS, the Airport Authority of the City of Corry ("Airport Authority") was created by the City of Corry ("City") through the City's filing of Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania on June 6, 2022 ("Articles of Incorporation") pursuant to the Pennsylvania Municipality Authorities Act, Act of June 19, 2001; P.L. 287, as amended, and codified at 53 Pa. C.S. §5601 *et seq.* ("Act"); and

WHEREAS, a copy of those Articles of Incorporation are attached to this Resolution; and

WHEREAS, section 5610 of the Act, 53 Pa. C.S. §5610(a)(1), provides that when an authority is incorporated by one municipality, the board of the authority shall consist of a number of members, not less than five, as enumerated in the articles of incorporation and whose terms of office shall commence on the effective date of their appointment as follows: "One member shall serve for one year, one for two years, one for three years, one for four years and one for five years commencing with the first Monday in January next succeeding the date of incorporation of amendment;" and

WHEREAS, as required by section 5603(c)(5) of the Act, 53 Pa. C.S. §5603(c)(5), the Articles of Incorporation identified the names, addresses and terms of office of the first members of the Board of the Airport Authority as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
Charles Gray	4 S. Center St Corry, PA 16407	1 year; expires December 31, 2024
Brody Howard	221 N. Center St Corry, PA 16407	2 years; expires December 31, 2025
Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2026
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2027
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2028;

and

WHEREAS, through inadvertent error, the Articles of Incorporation incorrectly identified the expiration date of the initial terms of the Authority Board members to extend one year beyond what the initial term should have been pursuant to section 5610 of the Act; and

WHEREAS, section 5605(a)(4) of the Act, 53 Pa. C.S. §5605(a)(4), authorizes an authority to amend its articles of incorporation "to revise the terms of office of members ... in a manner consistent with the provisions of section 5610 (relating to governing body);" and

WHEREAS, the Authority, through the passing of this Resolution, is proposing to amend the original Articles of Incorporation to cure the mistake identified above and correctly delineate the expiration dates of the initial terms of office of the Authority's Board members.

AND NOW, on this 24 day of October, 2023, the City of Corry Airport Authority hereby RESOLVES the following:

1. To APPROVE the amendment of section 5 of the Articles of Incorporation and that section 5 of the Articles of Incorporation shall be amended to read as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
Charles Gray	4 S. Center St Corry, PA 16407	1 year; expires December 31, 2023
Brody Howard	221 N. Center St Corry, PA 16407	2 years; expires December 31, 2024
Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2025
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2026
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2027

2. To DIRECT that this Resolution be submitted to City Council of the City of Corry requesting City Council to adopt the above proposed amendment to the Articles of Incorporation by resolution or ordinance, as so authorized by section 5605(b), 53 Pa. C.S. §5605(b), of the Act; and

3. To AUTHORIZE the President and Secretary of the Airport Authority, once the proposed amendment is approved and adopted by City Council of the City of Corry, to execute and verify Articles of Amendment under the seal of the Airport Authority, which Articles of Amendment shall set forth the following:

- a) The name and location of the registered office of the Airport Authority is "Airport Authority of the City of Corry" with a registered office at "___."
- b) The Airport Authority was formed on June 6, 2022 pursuant to the Pennsylvania Municipality Authorities Act, Act of June 19, 2001, P.L. 287, as amended, and codified at 53 Pa. C.S. §5601 et seq.
- c) City Council of the City of Corry adopted the Articles of Amendment through (resolution or ordinance) dated _____, a copy of which is attached to these Articles of Amendment.
- d) Section 5 of the Articles of Incorporation of the Airport Authority of the City of Authority shall be amended to read as follows:

<u>Name</u>	<u>Address</u>	<u>Term and Expiration Date</u>
-------------	----------------	---------------------------------


Charles Gray	4 S. Center St Corry, PA 16407	1 year; expires December 31, 2023
Brody Howard	221 N. Center St Corry, PA 16407	2 years; expires December 31, 2024
Brock Allen	1825 Peninsula Drive Erie, PA 16505	3 years; expires December 31, 2025
Timothy Thomas	171 Reed Road Corry, PA 16407	4 years; expires December 31, 2026
Charles Thompson	12800 Route 6 Corry, PA 16407	5 years; expires December 31, 2027

4. To AUTHORIZE the public advertisement (said advertisement to be consistent with the requirements of section 5603 of the Act, 53 Pa. C.S. §5603) of the Airport Authority's intention to file the Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania, which advertisement shall appear at least three days prior to the day the Articles of Amendment shall be presented to the Secretary of the Commonwealth of Pennsylvania and which advertisement shall include the information outlined in section 5606(d) of the Act, 53 Pa. C.S. §5605(d).

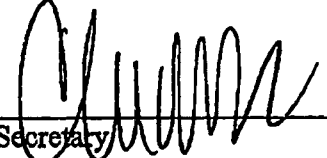
5. To AUTHORIZE, after appropriate public notice has been given as outlined in Section 4 above, the delivery and filing of the Articles of Amendment and proof of the required advertisement to the Secretary of the Commonwealth of Pennsylvania.

On the motion of Chuck Gray, seconded by Tim Thomas, this Resolution was passed and approved on this day 24 of October, 2023 by a vote of 5 - 0.

CITY OF CORRY AIRPORT AUTHORITY



President



Secretary