

Council of the City of York, PA
Session 2013
Bill No. 20
Ordinance No. 16

Articles of Incorporation

Public Hearing: 11/25/13 @ 6pm

INTRODUCED BY: **Carol Hill-Evans**
AMENDED BY: **Michael Ray Helfrich**

DATE: **November 6, 2013**
Date: **November 25, 2013**

AN ORDINANCE

Creating the City Revitalization and Improvement Zone Authority.

BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the City Revitalization and Improvement Zone Authority (CRIZ) is hereby established as follows:

ARTICLE 187

City Revitalization and Improvement Zone Authority

Provisions

- I. Short Title
- II. Purpose
- III. City of York Qualification for CRIZ Program
- IV. Requirements for Appointments of Member to the Board of the York City CRIZ Authority
- V. Powers of the CRIZ Authority
- VI. Duties of the CRIZ Authority
- VII. Dissolution of the CRIZ Authority
- VIII. Employment Opportunities

Cross References

Pennsylvania Act 52 of 2013
Municipality Authorities Act 53 Pa.C.S.A. 5601 et seq.
York City Ordinance 181.01

Short Title

- I. This Ordinance may be cited as the "York City Revitalization and Improvement Zone (CRIZ) Authority" Ordinance.

Purpose

II(a). The purpose of this ordinance is to create an Authority in accordance with the "City Revitalization and Improvement Zone (CRIZ) Program" that was created by Act 52 of 2013.

(b). The purpose of the CRIZ program is to spur new growth in cities that have struggled to attract development, helping to revive downtowns and create jobs for the residents in the regions. Vacant, desolate, underutilized or abandoned space will be developed, thereby creating jobs, increasing personal incomes, growing state and local tax revenues, reviving local economies and improving lives of city residents and visitors.

City of York Qualifications for CRIZ Program

III. The City of York is a third class city with a population of at least 30,000 based upon the most recent federal decennial census, and has not had a receiver appointed under Chapter 7 of the Act of July 10, 1987 (P.L. 246, No. 47).

Requirements for Appointments of Members to the Board of the York City CRIZ Authority

IV(a) All members of the Board for the Authority shall be appointed in accordance with the Municipality Authorities Act (53 Pa.C.S.A. 5601, et seq), and York City Ordinance 181.01.

(b). The Board for the Authority will consist of seven members. Each member shall have residency, which is defined in the Municipality Authorities Act as someone who is a taxpayer in, maintains a business in or is a citizen in the City or in one of the municipalities to which one or more projects of the Authority extends or is to extend or which one or more of the projects has been or is to be leased (53 Pa.C.S.A. 5610(b)). The Mayor of the City of York shall nominate three (3) members; the State Representative from the 95th District shall nominate one (1) member; and the remaining members of the York County delegation to the Pennsylvania House of Representatives, specifically the Representatives from the 47th, 92nd, 93rd, 94th, 193rd, and 196th Districts shall collectively nominate three (3) members. All nominees must then be approved by York City Council.

(c). Members of the Board's terms of office shall commence on the effective date of their appointment. Two members shall serve for one year, two 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 or amendment. Their terms shall be staggered in a similar manner for terms of one to five years from the first Monday in January next succeeding. Thereafter, whenever a vacancy has occurred by reason of the expiration of the term of any member, the nominating body/office shall nominate a member of the board for a term of five years from the date of expiration of the prior term to succeed the member whose term has expired for approval by York City Council.

(d). **Successor.**--Members shall hold office until their successors have been appointed and may succeed themselves. A member may be removed for cause by the court of common pleas of the county in which the authority is located after having been provided with a copy of the charges against him for at least ten days and after having been provided a full hearing by the court. If a vacancy shall occur by reason of the death, disqualification, resignation or removal of a member, the Mayor shall nominate and City Council shall appoint a successor to fill his unexpired term.

(e). **Quorum.**--A majority of the members shall constitute a quorum of the board for the purpose of organizing and conducting the business of the authority and for all other purposes, and all action may be taken by vote of a majority of the members present. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied. The board shall fix and determine the number of officers, agents and employees of the authority and their respective powers, duties and compensation and may appoint to such office or offices any member of the board with such powers, duties and compensation as the board may deem proper.

(f). **Removal.**--Unless excused by the board, a member of a board who fails to attend three consecutive meetings of the board may be removed by the appointing municipality up to 60 days after the date of the third meeting of the board which the member failed to attend.

Powers of the CRIZ Authority

V(a). Designating Zones: The authority may designate a zone where a structure or complex of structures to be used for commercial, sports, exhibition, hospitality, conference, retail, community, office, recreational or mixed-use purposes may be constructed, reconstructed or renovated. Construction includes infrastructure and site preparation.

V(b). Providing or borrowing money for the following purposes:

1. Development or improvement within a zone.
2. Construction, including related site preparation and infrastructure, reconstruction or renovation of a facility within a zone that will result in economic development according to the state-approved zone plan.

V(c). All of the purposes authorized by the Acts of 22 of 2001 and 52 of 2013 and shall have and exercise all powers granted to such authorities under the aforesaid acts.

Duties of the CRIZ Authority

VI(a). Preparing a list of qualified businesses and construction contractors. The list must include:

1. The name of each entity.
2. The CRIZ address of each business.
3. The mailing address of each business.
4. State tax identification number of each business.
5. The parcel number of each business.
6. A map of the zone including parcel numbers.

(b) Filing the list of qualified business and construction contractors with the Pennsylvania Revenue Department by June 1 following the end of the baseline year and for every year thereafter. If the list is not timely provided to the Revenue Department, no state tax will be certified by the department to be transferred to the CRIZ for the prior calendar year.

(c). Hiring an independent auditing firm to perform an annual audit, to be maintained by the contracting authority for the duration of the CRIZ, verifying all of the following:

1. The correct amount of the eligible local tax was submitted to the local taxing authorities.
2. The local taxing authority directly transferred to the Pennsylvania Treasurer the correct amount of eligible local tax for deposit in the CRIZ Fund.
3. The state and local tax dollars transferred to the CRIZ Fund were properly expended by the contracting authority.
4. If restricted funds or excess funding was requested by the contracting authority and approved by the commonwealth, that such funding was requested appropriately under Section 1812-C of the Tax Reform Code.

(d). The Authority shall set aside, on an annual basis, a minimum of 15% of the funds received from the state and York City to be put toward city infrastructure projects as approved within the state's CRIZ guidelines.

VII. Upon failure of the Authority to be designated, the York City CRIZ will be dissolved at the will of Council.

VIII. The Authority shall consider the positive effects for employment opportunities for the citizens of York City.

PASSED FINALLY: November 25, 2013

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Nelson, Hill-Evans - 4

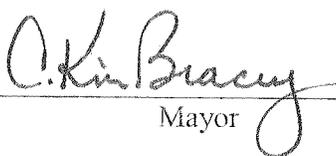
NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 26th day of November 2013.

Approved:  11/26/13
Mayor Date

Vetoed: _____
Mayor Date

ARTICLES OF INCORPORATION
OF
YORK CITY REVITALIZATION AND IMPROVEMENT ZONE AUTHORITY

To the Secretary of the Commonwealth of Pennsylvania:

In compliance with the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, No. 164, as amended, and pursuant to an Ordinance duly opted by the Council of the City of York, Pennsylvania (the "City"), and approved by the Mayor of the City, signifying its intention to organize an Authority under the Act, the City hereby certifies that:

- a) The name of the Authority shall be: "York City Revitalization and Improvement Zone Authority.
- b) The Authority is being formed un the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, No. 164, as amended (the "Act") for all of the purposes authorized by the Act and shall have and exercise all powers granted to such authorities under the Act.
- c) No other Authority has been organized under the Act, or under the Act approved June 28, 1935 (Pamphlet Laws 463), and is in existence in or for the City of York, Pennsylvania except (A) the Sewer Authority of the City of York under the Act on October 27, 1950 and extended fifty years on February 1, 1977; (B) the Redevelopment Authority of the City of York under the Urban Redevelopment Law, Act of May 24, 1945, P.L. 991, on April 14, 1950; (C) the Housing Authority of the City of York under the Housing Authorities Law, Act of May 28, 1937, P.L. 955, on February 25, 1949; (D) the Parking Authority of the City of York under the Parking Authority Act of June 5, 1947, P.L. 458 on March 4, 1955, placed on inactive status on October 17, 1989; (E) the Downtown Improvement Authority of the City of York, under the Act on June 1, 1989 but not thereafter activated; (F) the City of York General Authority under the Act on January 20, 1995; and (G) The York Business Improvement District Authority under the Municipality Authorities Act of 1945, P.L. 382 on November 16, 1998.
- d) The name of the incorporating Municipality is City of York, Pennsylvania. The names and addresses of the Mayor and the Members of City Council are:

NAME

ADDRESS

C. Kim Bracey, Mayor

18 S. George St., Apt. 22
York, PA 17401

Carol Hill-Evans, President

227 Irving Road
York, PA 17403

Henry Nixon	312 N. Newberry St. York, PA 17401
Renee Nelson	1201 S. Pine St. York, PA 17403
Michael Helfrich	430 Cookes House Lane York, PA 17401
David Satterlee	440 Linden Ave. York, PA 17404

- e) The Authority shall be governed by a Board which shall consist of seven (7) members. The Mayor of the City of York will nominate three (3) members; the State Representative from 95th District will nominate one (1) member; and the remaining members of the York County delegation to the Pennsylvania House of Representatives, specifically the Representatives from the 47th, 92nd, 93rd, 94th, 193rd, and 196th Districts shall collectively nominate three (3) members. York City Council must approve all nominees. The names, addresses and term of office (as provided in the Act, the term of office runs for the number of years indicated from the first Monday in January next succeeding the date of incorporation) of the first members of the Board of the Authority are as follows commencing on the date of incorporation:

<u>NAME</u>	<u>ADDRESS</u>	<u>INITIAL TERM EXPIRING</u>
Charles Bacas	663 Madison Ave. York, PA 17404	First Monday of January, 2015
Larry Homsher	426 W. Market St. York, PA 17401	First Monday of January, 2015
David Confer	124 S. Strathcona Dr. York, PA 17403	First Monday of January, 2016
Kendall Menzer	142 E. Springettsbury Ave. York, PA 17403	First Monday of January, 2016
Robert Pullo	189 Tuscarora Dr. York, PA 17403	First Monday of January, 2017
Robert Simpson	822 S. Queen St. York, PA 17403	First Monday of January, 2018
Patti Stirk	234A W. Market St. York, PA 17401	First Monday of January, 2019

The members of the Board shall each be a taxpayer in, maintain a business in, or be a citizen of the City of York or be a taxpayer in, maintain a business in or be a citizen of a municipality into which one or more of the projects of the Authority extends.

After a vacancy has occurred because of the expiration of a member's term, the office that nominated the expiring member shall nominate for City Council's approval a new member for a term of five (5) years from the date of the expiration of the prior term.

- f) The City reserves the right which exists under the Act to approve any plan of the Authority with respect to making business improvements or providing administrative services, as those terms are defined in the Act.

IN WITNESS WHEREOF, the City of York, Pennsylvania, has caused these Articles of Incorporation to be executed on its behalf by its proper officers and its seal to be hereunto affixed on this 26th day of November, 2013.

ATTEST:

CITY OF YORK, PENNSYLVANIA


Dianna L. Thompson-Mitchell
Dianna L. Thompson-Mitchell
City Clerk

By: *Carol Hill-Evans*
Carol Hill-Evans
President, City Council

Approved: *C. Kim Bracey*
C. Kim Bracey, Mayor

Proof of Publication

of Legal Advertisement in

York Legal Record

YORK LEGAL RECORD is the name of a legal newspaper as designated by the Act of Assembly approved April 24, 1931, P.L. 67, established on March 4, 1880, and issued continuously during a period of at least 6 months prior to the date hereof, owned and published by the **York County Bar Association**, a corporation, having its place of business at 137 East Market Street, in the City of York, Pennsylvania.

The printed copy of the advertisement hereto attached is a true copy, exactly as printed and published, of an advertisement printed in the regular issue of said **York Legal Record** published on the date following:

November 27, 2013

Cheryl Kauffman *Cheryl Kauffman*
 Agent of the **York County Bar Association**
 designated and authorized to verify Proofs of
 Publication of advertisements and notices published
 in the **York Legal Record**.

Before me, Deana L. Keifer, duly commissioned and residing in said County, personally came Cheryl Kauffman who being by me duly sworn, deposes and says that she is a designated and duly authorized agent of the **York County Bar Association** to verify proofs of publication of advertisements and notices published in **York Legal Record**, for and on behalf of said Association, and has personal knowledge of the publication of the advertisement or notice mentioned in the foregoing statement on the day or days above stated and that the allegations in said statement relative to the **York Legal Record** are true according to the best of her knowledge, information and belief, and that she is not interested, directly or indirectly, in the subject matter mentioned in said advertisement or notice.

Commonwealth of Pennsylvania
 County of York

Sworn and subscribed

Before me this 27th day of *November*
 November, 2013

Deana L. Keifer

 COMMONWEALTH OF PENNSYLVANIA
 NOTARIAL SEAL

COMMONWEALTH OF PENNSYLVANIA
 NOTARIAL SEAL
 Deana L. Keifer, Notary Public
 City of York, York County
 My commission expires May 08, 2017

Received Dianna L. Thompson-Mitchell
City Clerk

THIRTY ONE 50/100 Dollars in payment of the charge for the publication of the above-mentioned advertisement and the expense of the above affidavit.

Advertisement \$31.50

\$31.50

YORK COUNTY BAR ASSOCIATION

Notice is hereby given that York City Council has approved Bill No. 20 to organize an authority under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, No. 164, known as the "CITY REVITALIZATION AND IMPROVEMENT ZONE AUTHORITY." Articles of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania on November 30, 2013. A copy of Bill No. 20 may be examined in whole in the office of City Clerk, 101 S. George St., 2nd Floor, York, PA between the hours of 9 a.m. and 4 p.m., Monday through Friday or call the City Clerk at (717) 849-2246 with inquires.

11.27-11

Solicitor

Proof of Publication State of Pennsylvania

Ad # 0001408737-01

The York Dispatch/York Sunday News and York Daily Record is the name of the daily newspaper(s) of general circulation published continuously for more than six months at its principal place of business, 1891 Loucks Road, York, PA 17408.

NOTICE OF INTENTION TO INCORPORATE YORK CITY COUNCIL

Notice is hereby given that York City Council has approved Bill No.20 to organize an authority under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, No. 184, known as the "city revitalization and improvement zone Authority." Article of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania on November 30, 2013. A copy of Bill No. 20 may be examined in whole in the office of City Clerk, 101 S. George St., 2nd Floor, York, PA between the hours of 9a.m. and 4p.m., Monday through Friday or call the City Clerk at (717) 848-2248 with inquiries.

The printed copy of the advertisement hereto attached is a true copy, exactly as printed and published, of an advertisement printed in the regular issues of the said **The York Dispatch/York Sunday News and York Daily Record** published on the

11/24/2013

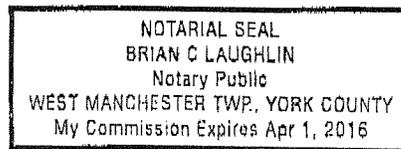
COMMONWEALTH OF PENNSYLVANIA COUNTY OF YORK

Before me, a Notary Public, personally came Linda Smith who being duly sworn deposes and says that she is the Layout Supervisor of The York Dispatch/York Sunday News and York Daily Record and her personal knowledge of the publication of the advertisement mentioned in the foregoing statement as to the time, place and character of publications are true, and that the affiant is not interested in the subject matter of the above mentioned advertisement.

Sworn and subscribed to before me, on this 24 day of November 2013

[Signature] } Linda Smith

Notary Public



The charge for the following publication of above mentioned advertisement and the expense of the affidavit.

Advertisement Cost	\$116.40
Affidavit Fee	\$5.00
Total Cost	\$121.40