

ORDINANCE 98

AN ORDINANCE OF THE TOWNSHIP OF BENNER, CENTRE COUNTY, PENNSYLVANIA AOPTIONG THE AGREEMENT FOR THE SPRING CREEK WATERSHED COMMISSION.

WHEREAS, the governing bodies of the Boroughs of Bellefonte, Centre Hall, Milesburg and State College, and the Townships of Benner, Boggs, College, Ferguson, Halfmoon, Harris, Patton, Potter, Spring and Walker, all of Centre County, are located within the Spring Creek Watershed; and

WHEREAS, the Agreement of the Spring Creek Watershed Commission provides for governance and operation of the Spring Creek Watershed Commission; and

WHEREAS, cooperation among the municipalities in the exercise and performance of their governmental powers, duties, and functions, is authorized by the Intergovernmental Cooperation Law (53pa.C.S.A Section 2301 et. Seq.) as amended; and

NOW, THEREFORE be it enacted and ordained by the Board of Supervisors of Benner Township, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. The Board of Supervisors of Benner Township hereby adopts, by reference, the Agreement for the Spring Creek Watershed Commission.

SECTION 2. The Chairman of the Benner Township Board of Supervisors is hereby authorized to exccute said articles on behalf of Benner Township.

SECTION 3. All existing Agreements, Resolutions, and Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

This Ordinance shall become effective five days from the date of adoption.

ENACTED AND ORDAINED as an ordinance by the Township of Benner this _____ day of _____, 2007.

ATTEST:

Sharon Royer, Sec.

David C. Breon, Chairman

James Swartzell, V. Chairman

John Elnitski, Supervisor

SPRING CREEK WATERSHED COMMISSION

AGREEMENT

THIS AGREEMENT is to form the Spring Creek Watershed Commission, hereinafter referred to as the SCWC entered into this _____ day of _____, 20____, between municipalities of the Commonwealth of Pennsylvania as listed in Attachment I. Each of the 14 municipalities that are contained within the Spring Creek Watershed is authorized to become a member of the SCWC and shall automatically become a member with the adoption of an ordinance indicating the intent to join and full payment of fee assessment. For this agreement to be valid, at least 7 of the municipalities shall be participating municipalities at all times.

PROVISIONS OF THIS AGREEMENT

Based on the foregoing, and within the agreement provisions of the Intergovernmental Cooperation Law (53pa.C.S.A Section 2301 et. Seq.) as amended, the municipalities agree and intend to be legally bound by the following:

Section 1. Definitions.

- A. The Spring Creek Watershed Commission shall mean the cooperative entity formed by the participating municipalities named herein.
- B. Eligible Municipalities shall mean the townships and boroughs named in Attachment I.
- C. Participating Municipalities shall mean those townships and boroughs that have enacted an ordinance to join the SCWC and are current in their fees.

Section 2. Purpose.

The Spring Creek Watershed Commission is a watershed-wide organization whose basic mission is the stewardship of our land and water resources.

The Watershed Commission is formed to implement the Spring Creek Watershed Management Plan and an annual work plan of associated projects to protect and enhance the quality of life within the Spring Creek Watershed.

Additionally, the Spring Creek Watershed Commission will promote and coordinate policies, rules, and regulations to protect and enhance the natural resources found through out the Watershed and establish a leadership role within the Watershed to advance and coordinate projects and programs among municipalities that are consistent with the mission statement as found in Attachment II for the Spring Creek Watershed.

Section 3. Governing Body.

- A. The powers of the SCWC shall be exercised by a governing body (hereinafter called the “Commission”) consisting of one voting member from each participating municipality. The governing bodies of each participating municipality shall appoint a member and an alternate member to the Commission, whose term shall commence on the date of appointment, and shall notify the SCWC annually in writing of those appointments. The voting member shall be a member of the governing body of the municipality. The alternate member shall be appointed by the governing body of the participating municipality. Alternates need not be a member of the governing body of the municipality but shall have all voting rights in the absence of the voting member.
- B. Commission members shall hold office until their successors have been appointed and may succeed themselves. A member or alternate shall serve at the pleasure of the municipality that has appointed such member. If a vacancy shall occur by reason of the death, disqualification, resignation, or removal of a member, the municipality from which the member was appointed, shall appoint a successor.
- C. A majority of the participating municipalities represented by their respective appointed or alternate member present at any meeting shall constitute a quorum of the Commission for the purpose of organizing the SCWC and conducting its business and for all other purposes. The Commission shall have full authority to manage its properties and its business and to prescribe, amend, and repeal by-laws, rules, and regulations governing the manner in which its business may be conducted.
- D. The SCWC may appoint a legal advisor.

Section 4. Powers.

The Spring Creek Watershed Commission shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purpose set forth in Section 2 above, including but without limiting the generality of the following rights and powers:

- A. To have an existence perpetually from the date this Agreement is signed by at least 7 of the eligible municipalities and as long as there are at least 7 or more participating members.
- B. To adopt, use and alter at will, a corporate seal.
- C. To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out its purposes, and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.
- D. To acquire by purchase, lease or otherwise, and/or to construct, improve, maintain, repair, and/or operate projects.
- E. To appoint officers, agents, professional technical advisors, and employees as required.
- F. To make contracts and to execute all instruments necessary or convenient for the carrying on of its business.
- G. Without limitation of the foregoing, to accept grants from any Federal agency, the Commonwealth of Pennsylvania, municipality, school district, corporation, nonprofit entities, individual, estate, or authority, upon simple majority approval of the Commission.
- H. To pledge or otherwise encumber all or any of its revenues or receipts as security for all or any of its obligations upon simple majority approval by the participating municipalities.
- I. To carry out the powers granted to it by its member municipalities.

Section 5. New Program/Projects.

The SCWC is a voluntary organization that provides a menu of services to its participating municipalities. These services, both Projects and Programs, can be defined

as activities performed on behalf of the participating municipalities which relate to providing a variety of governmental services to the public. All new Projects and Programs initiated by the SCWC or by an individual participating municipality shall first be submitted by the SCWC to all of the participating municipalities to determine initial interest. Those municipalities that express interest shall then develop a detailed proposal that will again be reviewed by the SCWC and others may join at this point. If sufficient interest is expressed, the interested municipalities may proceed to enter into an appropriate arrangement or agreement or contract based upon a voluntary contribution, or assessment, sufficient to cover all costs without any obligations on the non-participating municipalities.

Section 6. Moneys.

- A. All moneys of the SCWC, from whatever source derived, shall be paid to the treasurer of the SCWC.
- B. The SCWC's fiscal year shall be January 1 to December 31.
- C. The SCWC shall annually submit to each participating municipality on or before September 15th its budget for the upcoming fiscal year.
- D. Annually by November 15th the SCWC's participating municipalities are requested to approve their share of the SCWC's general administration budget for the upcoming fiscal year.
- E. Where moneys are to be provided directly to the SCWC for general administration expenses by the participating municipalities, these moneys shall be provided on a per capita basis. By approval of all governing bodies of all participating municipalities the funding formula may be modified.
- F. Moneys required for SCWC programs, not included in the general administration budget, will be allocated to the participating municipalities as agreed by those participating municipalities. Specific SCWC programs are optional depending on the need and the desires of the municipalities.
- G. After the SCWC's fiscal year ends on December 31, it shall file on or before July 1 of the succeeding year an annual report of its fiscal affairs covering the preceding fiscal year with its member municipalities. At a minimum, the SCWC shall have

its books, accounts, and records audited by two non-officer members of the Commission. This internal audit team shall be appointed by a simple majority vote of the members of the Commission. The SCWC may have its books, accounts, and records audited by a certified public accountant. A copy of the audit report either completed by the internal audit team or a certified public accountant shall be filed in the same manner and within the same time period as the aforesaid annual report. If the SCWC fails to make an audit, then the participating municipalities may designate an auditor or accountant who is hereby authorized and empowered from time to time to examine, at the expense of the SCWC, the books, accounts, and records of the SCWC, including its receipts, disbursements, contracts, leases, investments, and any other matters relating to its finances, operation, and affairs.

- H. The treasurer and assistant treasurer shall give bond in such sums as may be fixed by the SCWC, which bond shall be subject to the approval of the Commission and the premiums for which shall be paid by the SCWC.

Section 7. Award of Contracts.

All supplies and materials of any nature made, where the entire cost, value, or amount of such supplies and materials, shall require advertising, bidding, or price quotation under the Township Code, Borough Code, or Home Rule Charter and Administrative Code shall only be entered into after complying with the advertising, bidding, or price quotation requirements of the most stringent of the applicable Township Code, Borough Code, or Home Rule Charter and Administrative Code requirements.

Section 8. Termination.

- A. An individual municipality may withdraw from the SCWC with the enactment of an ordinance by the governing body and shall provide written 90-day notice thereof to the SCWC. Individual municipal termination will be without prejudice; however, any assets will remain with the SCWC and any individual municipal liability will be assessed against the exiting municipality.
- B. By mutual agreement of all participating municipalities or when membership falls below seven (7), the SCWC shall enter into its final stage of operation, at which

time the Commission shall continue with existing projects and shall not undertake any new project(s). At the time all projects are complete, the SCWC shall cease to exist and the assets and liabilities shall be distributed in a manner consistent with the amounts contributed among the active participating municipalities after an audit pursuant to Section 6G has been completed.

Section 9. Exemption from taxation.

The SCWC shall have the same exemption from taxation as its participating municipalities.

Section 10. Initial start-up.

Within sixty (60) days from the date this Agreement is signed by the seventh member municipality which has enacted an ordinance to join, the SCWC shall prepare and submit to the member municipalities its bylaws setting forth its meeting dates and its proposed 2007 budget.

PARTICIPATING MUNICIPALITIES:

BOROUGH OF BELLEFONTE

Attest: _____ By: _____
Secretary President, Borough Council

TOWNSHIP OF BENNER

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

TOWNSHIP OF BOGGS

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

BOROUGH OF CENTRE HALL

Attest: _____ By: _____
Secretary President, Borough Council

TOWNSHIP OF COLLEGE

Attest: _____ By: _____
Secretary Chair, Township Council

TOWNSHIP OF FERGUSON

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

TOWNSHIP OF HALFMOON

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

TOWNSHIP OF HARRIS

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

BOROUGH OF MILESBURG

Attest: _____ By: _____
Secretary President, Borough Council

TOWNSHIP OF PATTON

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

TOWNSHIP OF POTTER

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

TOWNSHIP OF SPRING

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

BOROUGH OF STATE COLLEGE

Attest: _____ By: _____
Secretary President, Borough Council

TOWNSHIP OF WALKER

Attest: _____ By: _____
Secretary Chair, Board of Supervisors

APPROVED BY THE PARTICIPATING MUNICIPALITIES AS FOLLOWS:

<u>Municipality</u>	<u>Date</u>	<u>Ordinance Number</u>
Borough of Bellefonte	_____	_____
Township of Benner	_____	_____
Township of Boggs	_____	_____
Borough of Centre Hall	_____	_____
Township of College	_____	_____
Township of Ferguson	_____	_____
Township of Halfmoon	_____	_____
Township of Harris	_____	_____
Borough of Milesburg	_____	_____
Township of Patton	_____	_____
Township of Potter	_____	_____
Township of Spring	_____	_____
Borough of State College	_____	_____
Township of Walker	_____	_____

Attachment I: List of Eligible Municipalities

Bellefonte Borough

Benner Township

Boggs Township

Centre Hall Borough

College Township

Ferguson Township

Halfmoon Township

Harris Township

Milesburg Borough

Patton Township

Potter Township

Spring Township

State College Borough

Walker Township

Attachment II: Spring Creek Watershed Commission Mission Statement, Developed 1997

- 1) To establish a long-range vision for the watershed that represents a consensus of thoughts and ideals that are commonly shared by the people of the Spring Creek Watershed.
- 2) To establish a leadership role within the watershed to advance and coordinate projects and programs that are consistent with the long-range vision of the Spring Creek Watershed.
- 3) To develop a long-range comprehensive Watershed Management Plan and a program of meaningful associated projects to protect and enhance the quality of life within the Spring Creek Watershed.