ORDINANCE NO. J-123-2008

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF JEFFERSON, DAUPHIN COUNTY, PENNSYLANIA, TO JOIN WITH OTHER PARTICIPATING MUNICIPALITIES TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH THE VALLEYS REGIONAL COMPREHENSIVE PLANNING GROUP FOR THE PURPOSE OF PURSUING A REGIONAL COMPREHENSIVE PLAN

BACKGROUND

A.   Certain townships and boroughs in Dauphin County, Pennsylvania wish to cooperate in the development of a regional comprehensive plan pursuant to the Pennsylvania Municipalities Planning Code 53 Pa.C.S. §§ 11001 et seq.

B.   Article 9, Section 5 of the Constitution of the Commonwealth of Pennsylvania and the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. §§ 2301 et seq. (the "ICA"), grant the governing bodies of Pennsylvania municipalities broad authority to cooperate with other municipalities in the exercise or delegation of any function, power, or responsibility.

C.   Pursuant to the ICA, a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body.

D.   Jefferson Township desires to enter into an intergovernmental agreement ("Agreement") with other participating municipalities in cooperation with each other to establish The Valleys Regional Comprehensive Planning Group for the purpose of pursuing a regional comprehensive plan.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Jefferson, Dauphin County, Pennsylvania (the "Board"), as follows:

Section 1.   The title and background of this ordinance set forth above are incorporated herein by reference.

Section 2.   The Board hereby approves entering into the Agreement, a copy of which is attached hereto and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Ordinance is enacted), with the intent and effect that the Township shall be bound by the Agreement.

Section 3.   The Chairman of the Board is hereby authorized and directed on behalf of the Township: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement.

Section 4.   All actions of any officer, agent or other representative of the Township heretofore taken in the pursuit of the establishment of the Agreement and/or the Township's participation therein are hereby ratified and approved in all respects.

Section 5.   The Board is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

Section 6.   As required by the ICA, the following matters are specifically found and determined:

(a)   The conditions of the Agreement are set forth in the Agreement.

(b)   The purpose and objectives of the Agreement are as set forth in the Background of this Ordinance and in the Agreement.

Section 7.   The provisions of this Ordinance are severable and if any section, sentence, clause, or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township that such Ordinance would have been enacted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 8.   Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.

Section 9.   This Ordinance shall become effective according to applicable law.

DULY ORDAINED AND ENACTED THIS ___5___ day of _November, 2008_ , 2008, by the Board of Supervisors of the Township of Jefferson, Dauphin County, Pennsylvania.

Attest: _____   _____
                  Secretary   Chairman

                                                                      _____

                                                                      _____

(SEAL)