

ORDINANCE 2009-06

AN ORDINANCE AUTHORIZING LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, TO JOIN WITH OTHER POLITICAL SUBDIVISIONS AS A MEMBER OF THE MUNICIPAL UTILITY ALLIANCE, A POWER PURCHASING COOPERATIVE, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF JOINING THE COOPERATIVE AND TO PARTICIPATE AS A MEMBER OF THE COOPERATIVE.

WHEREAS, an Intergovernmental Cooperation Agreement was initially executed in 1998 between the Municipal Utility Alliance (MUA) and various municipalities of the Commonwealth of Pennsylvania in a cooperative venture to collectively purchase power for the municipal governments, and

WHEREAS, an Amended and Restated Intergovernmental Cooperation Agreement (Agreement) was executed between the MUA and a Lead Local Government on the 7th day of April, 2009, and

WHEREAS, pursuant to the provisions of Chapter 23, Subchapter A, Intergovernmental Cooperation, of the General Local Government code, 53 Pa. C.S. 2310, et seq. ("Intergovernmental Cooperation Law"), a municipality may enter into an intergovernmental cooperation agreement upon the passage of an Ordinance by its governing body, and

WHEREAS, the MUA has announced its intentions to allow other municipalities in the Commonwealth of Pennsylvania to participate in the joint purchasing program (Program) by execution of a Joinder.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, as follows:

SECTION I

The President or Vice President of the Board of Commissioners of Lower Allen Township is hereby authorized and directed to execute and deliver a Joinder to the Agreement dated April 7th, 2009, a copy of which is attached hereto and made a part thereof, and 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 affected under the Agreement.

SECTION II

The Township Manager is hereby authorized to deliver a written commitment to purchase the specific services through the MUA Program, and to execute a Purchase and Sales Agreement with the Supplier on the terms and conditions as negotiated and obtained by the MUA, provided that the conditions set forth in Section 12 of the Agreement have been met.

SECTION III

Written notices under Section 18(a) of the Agreement intended for Lower Allen Township shall be sent to the following individual at the address shown:

Lower Allen Township
2233 Gettysburg Road
Camp Hill, PA 17011
Attn: Thomas G. Vernau, Jr., Manager

With a copy to:

Lower Allen Township
2233 Gettysburg Road
Camp Hill, PA 17011
Attn: Jan E. Faust, Assistant Manager

SECTION IV

The conditions, duration and term, purpose and objective, scope and authority delegated, manner and extent of financing, organizational structure and manner in which personal property shall be acquired, managed and disposed of, are set forth in the attached Agreement.

SECTION V

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 Political Subdivision that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

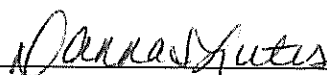
SECTION VI

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.

This Ordinance shall become effective immediately upon enactment hereof.

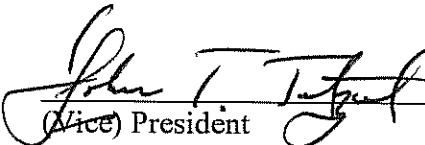
DULY ORDAINED AND ENACTED this 11th day of May, 2009, by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania.

ATTEST:
(Seal)



(Assistant) Secretary

**LOWER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS**



(Vice) President

Exhibit A

JOINDER

The Township of Lower Allen
(Title of Local Government or Municipal Authority)

2233 Gettysburg Road

Camp Hill, Cumberland County, PA 17011
(Address)

intending to be legally bound hereby, joins in the Amended and Restated Intergovernmental Cooperation Agreement dated as of the 7th day of April, 2009 (the "Agreement"), by and among the MUNICIPAL UTILITY ALLIANCE, a Pennsylvania non-profit corporation (the "MUA"), the Township of Lower Paxton, a Township of the Second Class, ("Lead Local Government") and all other local governments or municipal authorities (each, an "Agency") signatory to the said Agreement. This Joinder shall have the same force and effect as if the undersigned had executed an original Agreement with the MUA, the Lead Local Government and all other Agencies executing a Joinder.

The execution and delivery of this Joinder is authorized (i) in the case of all Agencies, by Chapter 19 of the Commonwealth Procurement Code, 62 Pa. C.S. § 1901 *et seq.*; (ii) in the case of an Agency that is a municipal authority, by the Municipality Authorities Act, 53 Pa. C.S. § 5601 *et seq.*; and (iii) in the case of an Agency that is a local government, by the Intergovernmental Cooperation Act, 53 Pa. C.S. § 2301 *et seq.*

EXECUTED on the 11th day of May, 2009.

ATTEST: Board of Commissioners of
Lower Allen Township :

By: Danna S. Lutes
Name: Danna S. Lutes
Title: Secretary

By: John T. Titzel
Name: John T. Titzel
Title: President

This Joinder is authorized by Ordinance No. 2009-06 (~~Resolution~~
~~XXXX~~) adopted at a duly assembled public meeting held the 11th
day of May, 2009, a true and correct copy of which is attached hereto.

*Resolution for entities not authorized to adopt ordinances.