

TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 59

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER OF BEAVER COUNTY, PENNSYLVANIA, AUTHORIZING INTERGOVERNMENTAL COOPERATION BY ESTABLISHING AND RE-AFFIRMING MEMBERSHIP OF SOUTH BEAVER TOWNSHIP IN THE UPPER BEAVER VALLEY COUNCIL OF GOVERNMENTS; AUTHORIZING THE EXECUTION OF COOPERATIVE AGREEMENTS WITH SAID UPPER BEAVER VALLEY COUNCIL OF GOVERNMENTS AND/OR ITS AFFILIATE ORGANIZATIONS; AND ESTABLISHING THE CONDITIONS, DURATION, PURPOSE, AND OBJECTIVES OF SUCH COOPERATIVE AGREEMENTS, ALL IN ACCORDANCE TO THE INTERGOVERNMENTAL COOPERATION PROVISIONS OF SUBCHAPTER A OF CHAPTER 23 OF SUBPART D OF PART III OF THE GENERAL LOCAL GOVERNMENT CODE.

WHEREAS, the provisions of Subchapter A of Chapter 23, Subpart D of Part III of the General Government Code, per Act No. 177 of 1996, relative to Intergovernmental Cooperation, replacing prior similar statutory provisions as included in Act No. 180 of 1972, authorize cooperative intergovernmental action;

WHEREAS, the Upper Beaver Valley Council of Governments was created as a non-profit corporation under the laws of the Commonwealth of Pennsylvania to be a voluntary organization of local governments and other entities to foster a cooperative effort to resolve problems, determine policies, and formulate plans that are common and regional to its members; and

WHEREAS, the said Upper Beaver Valley Council of Governments for furtherance of its objectives did join with other councils of governments to create an additional joint entity called the Councils of Government of Beaver and Butler Counties, also a non-profit corporation under the laws of the Commonwealth of Pennsylvania;

WHEREAS, the Township of South Beaver has heretofore been a member of the Upper Beaver Valley Council of Governments, and, in accordance to the provisions of Act No. 177 of 1996, does enact this Ordinance to provide for continuation of membership and cooperative intergovernmental action with the Upper Valley Council of Governments as may be for the best interest of South Beaver Township and its residents through the efforts and works of said Upper Beaver Valley Council of Governments and any of its affiliate organizations including but not limited to the Councils of Governments of Beaver and Butler Counties.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Beaver Township, of Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code and the General Government Code, the following:

Section 1. Membership: The Board of Supervisors of South Beaver Township is hereby authorized to maintain South Beaver Township's participation as a member of the Upper Beaver Valley Council of Governments.

A. In conjunction with maintaining such membership, the Board of Supervisors is hereby authorized to cause and arrange South Beaver Township to pay such annual or other periodic membership dues and other costs assessed by the Upper Beaver Valley Council of Governments as to local government members so long as South Beaver Township maintains its membership with the Upper Beaver Valley Council of Governments.

B. In accordance with exercising participation in the activities and decision making processes of the Upper Beaver Valley Council of Governments per its By-Laws, the Chairman of the Board of Supervisors is hereby designated and appointed South Beaver Township's member representative, and both of the remaining two Supervisors are hereby designated and appointed to act, as determined between them as their schedules permit, as the alternate member representative to the Upper Beaver Valley Council of Governments. In the event of the absence of the Chairman of the Board of Supervisors at any duly convened meeting of the Officers/Governing Body of the Upper Beaver Valley Council of Government, the alternate member representative of South Beaver Township in attendance shall act and/or vote on behalf of South Beaver Township.

C. Participation as a member of the Upper Beaver Valley Council of Government by South Beaver Township shall be in accordance with the Articles of Incorporation and By-Laws of the Upper Beaver Valley Council of Governments and all applicable laws and regulations pertinent thereto. The said Articles of Incorporation and By-Laws of the Upper Beaver Valley Council of Governments are hereto attached, are made part hereof, and are approved by the Board of Supervisors of South Beaver Township.

Section 2. Cooperative Agreements: The Board of Supervisors of South Beaver Township is authorized to execute cooperative agreements with the Upper Beaver Valley Council of Government or its affiliate organization, the Councils of Governments of Beaver and Butler

Counties, from time to time to accomplish the needs of South Beaver Township in fulfilling its governmental responsibilities in as efficient and responsible a manner as possible as to such projects, functions, and activities as the Board of Directors of the said Upper Beaver Valley Council of Governments may direct and approve from time to time.

A. Cooperative Agreements may be executed for a period of time or duration of five years or less, or perpetual, but, if perpetual, shall include a provision that same may be terminated by either South Beaver Township or the Upper Beaver Valley Council of Governments and/or its affiliate upon thirty days written notice to any or all other parties to such Cooperative Agreement. Cooperative Agreements for any activity other than the bidding of contracts for materials, equipment, and/or services shall be approved and authorized by Resolution of the Board of Supervisors of South Beaver Township.

B. Cooperative Agreements and/or arrangements by and between South Beaver Township and the Upper Beaver Valley Council of Governments, or its affiliate, for the latter to prepare, arrange, and conduct the process of bidding for contracts for supplying material, equipment, and/or services desired and needed by South Beaver Township are authorized to be processed by the Upper Beaver Valley Council of Governments as agent for South Beaver Township, and, as such agent, the said Upper Beaver Valley Council of Governments is authorized hereby to prepare bid specifications, to bid advertisements and solicitations, and to receive and tabulate bids, all in such manner as shall comply with the requirements of the Second Class Township Code or other applicable laws and regulations that may be applicable for such solicitation of bids. The format and provisions of any bid contracts so procured, unless otherwise specifically authorized by Resolution adopted by South Beaver Township, shall be for direct contractual relationship between South Beaver Township and the bid contractor who has been selected and awarded a contract by the Board of Supervisors of South Beaver Township, with the determination of satisfactory performance of contract by a contractor and payment per the terms of the contract to be the sole and direct responsibility of South Beaver Township.

C. No action taken by the Upper Beaver Valley Council of Governments or its affiliate which creates or purports to create a legal obligation, whether it be contractual, financial, or otherwise, upon a member municipality shall be binding upon South Beaver Township unless and until, pursuant to the provisions of the Second Class Township Code, the Board of Supervisors of

South Beaver Township ordains, resolves, or otherwise takes such official action as is necessary to legally bind South Beaver Township to such action taken and arranged by the Upper Beaver Valley Council of Governments and/or its affiliate.

D. Nothing herein shall preclude South Beaver Township, at the sole discretion of its Board of Supervisors and on its own initiative and efforts, from soliciting and obtaining bid proposals as to any material, equipment, and/or services independent of the work and efforts of the Upper Beaver Valley Council of Governments or it affiliate, and/or preclude South Beaver Township from arranging purchase of materials, equipment, and/or services through other statutory provisions including but not limited to cooperative purchasing in accordance to the Commonwealth Procurement Code, namely Act No. 57 of 1998.

Section 3. The provisions of this Ordinance are severable and if any section, clause, sentence, word, or part hereof shall be deemed illegal, invalid, or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, words, or parts of this Ordinance. It is hereby declared that it is the intent of the Board of Supervisors of South Beaver Township that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional portion had not been included herein.

Section 4. This Ordinance shall be effective five (5) days after adoption and enactment by the Board of Supervisors of South Beaver Township.

ENACTED this 13th day of April, 1999.

ATTEST:

Carol Miller
Secretary

SOUTH BEAVER TOWNSHIP

Robert S Long
Supervisor

Matthew H. Balit
Supervisor

David L. Shaver
Supervisor