

COLUMBIA COUNTY

ORDINANCE _____

AN ORDINANCE REPEALING ORDINANCE #101807 WHICH AUTHORIZED THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT BETWEEN THE TOWN OF BLOOMSBURG IN CONNECTION WITH CREATING A JOINT MUNICIPAL FLOOD AUTHORITY

WHEREAS, the Bloomsburg Area Joint Flood Control Authority (hereinafter the “Authority”) was incorporated as a municipal authority formed under the provisions of the Municipality Authorities Act, 53 Pa C.S. §5601 et. Seq.; and,

WHEREAS, the Authority was incorporated by the municipalities known as the Town of Bloomsburg (hereinafter the “Town” and Columbia County, Pennsylvania (hereinafter the “County”); and,

WHEREAS, the Authority was incorporated to undertake a flood control project as described in a report prepared by the U.S. Army Corps of Engineers titled “Integrated Feasibility Report & Final Environmental Impact Statement” dated August 2005; and,

WHEREAS, the project was to include part of Hemlock Township, Columbia County and part of the Town of Bloomsburg, Columbia County; and,

WHEREAS, during the course of the design and ongoing feasibility studies, the flood control project as described by the U.S. Army Corps of Engineers was determined to be no longer feasible due to a lack of funding and the high cost associated with the project; and,

WHEREAS, the Authority has determined that it no longer serves the purposes for which it was organized and that there is no anticipated future need for the Authority; and,

WHEREAS, the Authority has informed the Town and County that all debt previously incurred by the Authority and guaranteed by the Town and County has been repaid by the Authority and that the Authority has no outstanding debt obligations; and,

WHEREAS, on November 11, 2014, the Authority resolved as follows:

1. The Authority hereby resolves to notify the Town and County that it would be appropriate for it to dissolve and terminate operations.
2. The officers of the Authority are authorized and directed to inform the aforesaid municipalities that all of the Authority’s debts, obligations, and liabilities have been paid.
3. The Board of Directors further resolves that the Authority will convey, transfer, and distribute all of its rights, title, and interest in any of the assets of the Authority to the Town and the County proportionally by the contributions made by these municipalities to the Authority.

4. The officers of the Authority are authorized and directed to cooperate with the Town and County in order to file a Certificate of Termination in accordance with Municipalities Authority Act of May 2, 1954, P.L. 3382, as amended.
5. The officers of the Authority will confirm to the Town and County that there are no suits pending against said Authority in any Court.
6. The officers of the Authority are authorized to provide a certified copy of their Resolution to the Town and County and to request that both municipalities approve the termination of the Authority and that they file the appropriate documents including, but not limited to, a Certificate of Termination with the Secretary of the Commonwealth, Department of State Bureau of Corporation, Harrisburg, Pennsylvania.

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED, by the County of Columbia, Pennsylvania:

That in view of the facts set forth in the preceding paragraphs, Ordinance No. 101807 of Columbia County and any Resolution enacted thereunder authorizing the County to create a joint flood control authority is hereby repealed and the inter-municipal agreement relating thereto is hereby terminated.

This ordinance is effective upon enactment.

ENACTED this _____ day of _____, 2015.

COLUMBIA COUNTY COMMISSIONERS

Chris E. Young, Chairman/Commissioner

Attest: _____
Gail S. Kipp, Chief Clerk

Richard C. Ridgway, Commissioner

(SEAL)

David M. Kovach, Commissioner