

**No. 2020-12
ORDINANCE**

*An Ordinance of County Council of Luzerne County Entering into
an Intergovernmental Agreement with Hanover Township for the Repair
and Dedication of the Division Street Bridge in Accordance with the
Pennsylvania Intergovernmental Cooperation Law, Act 177 of 1996,
previously adopted as Act 180 of 1972.*

WHEREAS, Section 2304 of the Intergovernmental Cooperation Law (“PICL”) promulgates a municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with or delegate or transfer any function, power or responsibility to one or more other local governments, the Federal Government or any other state or its government; and

WHEREAS, Section 2305 of the Intergovernmental Cooperation Law allows a local government may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to another governmental unit or local government upon the passage of an ordinance by its governing body; and

WHEREAS, Luzerne County and Hanover Township seek to enter into an Intergovernmental Agreement for the sole purpose of Luzerne County (“the County”) securing a grant to replace/repair, the Division Street Bridge, as more specifically described in the Intergovernmental Agreement which is incorporated fully herein by reference, owned by the County that are located within Hanover Township (“the Township”); and

WHEREAS, upon completion of such repairs by Luzerne County, the County shall dedicate its interests in the bridge to the Township for ownership and maintenance and the Township shall accept such dedication and responsibility of the bridge; and

WHEREAS, the respective municipalities have acted and intend to act pursuant to Article M, Section 5, of the Pennsylvania Constitution and 53 Pa. C. S. § 2303, et seq., providing for intergovernmental cooperation; and

WHEREAS, Section 2307 of the Intergovernmental Cooperation Law states that the Ordinance adopted by the governing body of a local government entering into intergovernmental cooperation or delegating or transferring any functions, powers or responsibilities to another local government or to a council of governments, consortium or any other similar entity shall specify:

- (1) The conditions of agreement in the case of cooperation with or delegation to other local governments, the Commonwealth, other states or the Federal Government.
- (2) The duration of the term of the agreement.
- (3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
- (4) The manner and extent of financing the agreement.

- (5) The organizational structure necessary to implement the agreement.
- (6) The manner in which real or personal property shall be acquired, managed, licensed or disposed of.
- (7) That the entity created under this section shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees, if applicable.

WHEREAS, Luzerne County wishes to enter into an Intergovernmental Agreement with Hanover Township in accordance with the PCIL.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the **County Council of Luzerne County** as follows:

SECTION ONE. Incorporation of Preamble.

The provisions set forth above in the preamble to this Ordinance are incorporated herein by reference in their entirety.

SECTION TWO. Conditions of Agreement

That Luzerne County and Hanover Township enter into such Intergovernmental Agreement, attached hereto and incorporated herein by reference, in accordance with the terms therein and any other laws which apply.

SECTION THREE: Duration

The duration and term of the Agreement shall be the length of time required to complete the replacement/repair to specification on the Division Street Bridge between Carey Avenue and Keith Street. Upon completion of the replacement/repair of the Division Street Bridge, the County shall dedicate and the Township shall accept such dedication of such Bridge. The County Manager shall have the authority to execute any additional documents to consummate the agreement with Hanover Township.

SECTION FOUR: Purpose

The purpose of the Agreement is for Luzerne County to transfer ownership of and responsibility for the Division Street Bridge to Hanover Township once said bridge is in satisfactory condition per the terms of the Intergovernmental Agreement.

SECTION FIVE: Manner and Extent of Financing

That Luzerne County shall finance the cost of repairs through a Community Development Block Grant secured from the Pennsylvania Department of Community and Economic Development. Engineering costs are borne by Hanover Township and Wilkes-Barre City per their separate agreement regarding same.

SECTION SIX: Severability

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 County of Luzerne 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 SEVEN. Effective Date.

This Ordinance shall take effect on the fifteenth (15th) day following its enactment.

SECTION EIGHT. Repealer.

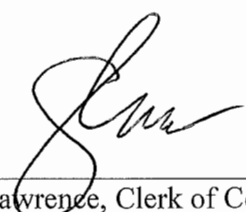
Any Resolution or Ordinance or parts thereof that conflict with or are inconsistent with this Ordinance are hereby repealed to the extent of the conflict or inconsistency with this Ordinance.


ENACTED by the County Council of the County of Luzerne this 8th day of September, 2020.

ROLL CALL VOTE (11-0)

YES: Griffith, Haas, Houck, McDermott, McGinley, Perry, Radle, Saidman, Schnee, SJ Urban and Vough

LUZERNE COUNTY COUNCIL

Attest: 
Sharon Lawrence, Clerk of Council

By: 
Tim McGinley, Chair

By: 
Chris Perry, Vice-Chair