

**BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 552

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA,
WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA,
AUTHORIZING THE COUNCIL OF THE BOROUGH OF CALIFORNIA TO
ENTER INTO AN AGREEMENT AMENDING THE FEBRUARY 10, 2011
INTERMUNICIPAL SEWER SERVICE AGREEMENT WITH THE CENTER-
WEST JOINT SEWER AUTHORITY TO NOW PROVIDE FOR PUBLIC
SEWAGE TREATMENT SERVICE IN ADDITIONAL AREAS OF THE
BOROUGH; ALSO, RATIFYING SAID FEBRUARY 10, 2011
INTERMUNICIPAL SEWER SERVICE AGREEMENT THAT DEALT WITH
THE AUTHORITY PROVIDING SEWAGE SERVICE TO CERTAIN AREAS OF
THE BOROUGH THAT DID NOT HAVE ACCESS TO PUBLIC SEWAGE;
REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF
INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has provided for intergovernmental cooperation in the performance of governmental functions and powers pursuant to 53 Pa.C.S.A. § 2301, et seq., and any amendments thereto, otherwise known as the Intergovernmental Cooperation Act; and

WHEREAS, the Borough of California is a borough organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Center-West Joint Sewer Authority is a municipal authority that provides sanitary sewer collection service to its customers and imposes charges for the service; and

WHEREAS, previously, the Borough of California and the Center-West Joint Sewer Authority negotiated an agreement for said Authority to provide sewage service to certain areas of the Borough that did not have access to public sewage; and

WHEREAS, the Borough of California Council, on February 10, 2011, passed a motion that authorized the Borough to enter into the Intermunicipal Sewer Service Agreement, which is attached as Exhibit "1," for the Center-West Joint Sewer Authority to provide sewage service to certain areas of the Borough that did not have access to public sewage; and

WHEREAS, the Borough Council of the Borough of California believed at that time, and continues to believe, that entering into the Intermunicipal Sewer Service Agreement, which is attached as Exhibit "1," was in the best interest of its residents and

is passing this instant Ordinance to ratify entering into the Intermunicipal Sewage Service Agreement, which is attached as Exhibit "1," to be in accordance with the Intergovernmental Cooperation Act; and

WHEREAS, the Borough of California and the Center-West Joint Sewer Authority have negotiated an Agreement entitled "Amendment to Intermunicipal Agreement," which is attached as Exhibit "2," to add some additional areas that the Authority will provide public sewage treatment service to in the Borough; and

WHEREAS, the Borough Council of California believes that entering into the proposed Agreement entitled "Amendment to Intermunicipal Agreement," which is attached as Exhibit "2," to add some additional areas that the Authority will provide public sewage treatment service to in the Borough is in the best interest of its residents and is passing this instant Ordinance to authorize Council to enter into said Agreement entitled "Amendment to Intermunicipal Agreement," which is attached as Exhibit "2," so as to be in accordance with the Intergovernmental Cooperation Act; and

WHEREAS, the Borough of California and the Center-West Joint Sewer Authority are mutually desirous of setting forth the rights and obligations of each of them related to said Authority providing sewage service to certain areas of the Borough that did not have access to public sewage; and

WHEREAS, the Intergovernmental Cooperation Act requires that intermunicipal cooperation be established by Ordinance of all participating municipalities.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of California, County of Washington, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

SECTION 1. RATIFICATION OF FEBRUARY 10, 2011 INTERMUNICIPAL SEWER SERVICE AGREEMENT.

By enacting this instant Ordinance, California Borough Council is ratifying the entering into of the Intermunicipal Sewer Service Agreement, which is attached hereto and incorporated herein as Exhibit "1."

SECTION 2. AUTHORIZATION TO ENTER INTO AGREEMENT AMENDING THE INTERMUNICIPAL AGREEMENT.

By enacting this instant Ordinance, California Borough Council is authorizing the entering into of said Agreement entitled "Amendment to Intermunicipal Agreement," which is attached hereto and incorporated herein as Exhibit "2."

SECTION 3. AUTHORIZATION OF FURTHER ACTION.

The proper officers of the Borough are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this ordinance and the Intergovernmental Cooperation Act insofar as the transaction(s) contemplated by this Ordinance, in the name and on behalf of the Borough.

SECTION 4. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 5. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances or portions of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining prior Ordinances and portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 14 day of January, 2016.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Coar
Borough Secretary

By: Patry J. Alfano
President of Council

EXAMINED AND APPROVED by me this 14 day
of January, 2016.

BOROUGH OF CALIFORNIA

By: [Signature]
Mayor

INTERMUNICIPAL SEWER SERVICE AGREEMENT

MADE the 10TH day of February, 2011, by and between the CENTER-WEST JOINT SEWER AUTHORITY, a municipal authority of the Commonwealth of Pennsylvania, with its principal office in the Borough of West Brownsville, County of Washington and the Commonwealth of Pennsylvania ("Authority") and the BOROUGH OF CALIFORNIA, a political subdivision of the Commonwealth of Pennsylvania, with its principal office in the Borough of California, County of Washington and Commonwealth of Pennsylvania ("Borough").

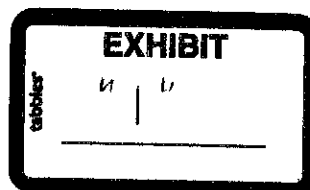
WHEREAS, the Authority is in the process of designing, constructing and ultimately operating a sewage system serving portions of the boroughs of Centerville and West Brownsville;

WHEREAS, the system to be constructed by the Authority has the capacity to serve certain areas of the Borough which do not at this time have access to public sewage;

WHEREAS, the Authority and the Borough have agreed that it will be in the best interests of both the Authority and the Borough for the Authority to provide sewage service to certain areas of the Borough.

NOW, THEREFORE, it is agreed as follows:

1. The Authority will design, construct and operate a public sanitary sewer system that will serve two areas of the Borough which are generally identified on the maps attached hereto and made a part hereof as Exhibit "A" and Exhibit "B" (hereinafter known as the "Service Area"). The two parts of the Service Area are: the Old National Pike area that is shown on Exhibit "B", and the Wilson Road area which is shown on Exhibit "A". The Authority has secured adequate financing to construct lines and other facilities within the Service Area and anticipates that its sewage system for that entire area will be completed during 2011. Prior to the date on which the Authority begins to operate its sanitary sewage system in the Service Area, the Authority will provide the Borough with a set of the construction drawings for the Service Area which will more specifically define the boundaries of the Service Area. In the event that the Authority secures the financing to construct lines to serve a third portion of the Borough which is generally west of Route 43 and



which it will have the capacity to serve, the parties will review the boundaries of that area, and if they agree that area will be added to the Service Area, they will amend this Agreement to do so.

2. The Authority shall assume financial responsibility to design and construct all necessary sewer lines, manholes, pumping facilities, sewage treatment plant and appurtenances required to provide sanitary sewer service in the Service Area.

3. The Authority shall assume the sole responsibility for financing, constructing and managing the sewage system in the Service Area and, following construction and startup, the Authority shall own, operate and maintain the sewage system in the Service Area in a state of good repair, pay all costs and charges necessary for such construction, maintenance and repair, and upgrade or replace all equipment and other facilities of the sewage system within the Service Area and the rest of its sewage system from time to time as may be reasonably necessary to provide such service to customers within the Service Area. The Authority shall comply with all statutes, ordinances, rules, regulations, orders and directions of any legislative, executive, administrative or judicial body applicable to the operation, maintenance and repair of its sewage system.

4. Upon completion of its sewage system, the Authority will render sanitary sewage service to all public, private, residential, domestic, commercial, industrial and other customers within the Service Area who can be served by it. Those customers within the Service Area shall be customers of the Authority and be responsible to pay (a) a tap-in fee and (b) a user fee based on the Authority's debt service and annual operation and maintenance costs for its sewage system. The Authority agrees that the customers in the Service Area will be subject to the same deadlines and charged the same rate for a tap-in and a user fee as the rates that are charged for all other customers of the Authority who are part of the project being funded by the United States Department of Agriculture, Rural Utility Services, which is anticipated to be constructed during the years 2010-2011, and the Authority shall always treat and charge all of the customers within the Service Area the same as its other said customers. In the event that sanitary sewage service is available to a customer in the Service Area, but that customer connects after the expiration of the construction period, such customer will be

charged the same tap-in fee and user fee that all other customers of the Authority who are similarly situated are charged.

5. If it has not already done so, the Borough agrees to enact a mandatory connection ordinance for customers in the Borough located in the Service Area described on Exhibits "A" and "B" in accordance with Pennsylvania Department of Environmental Protection (DEP) requirements.

6. The customers located in the Service Area described on Exhibits "A" and "B" shall for all purposes be considered customers of the Authority and they shall conform and be subject to the sewer system rules and regulations adopted from time to time by the Authority.

WITNESS THE DUE EXECUTION HEREOF, with the intent to be legally bound hereby, the day and year first above written.

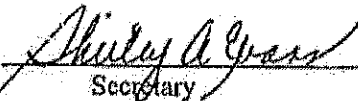
CENTER-WEST JOINT SEWER
AUTHORITY

ATTEST:
(SEAL)


Secretary

BY 
Chairman

(SEAL)
ATTEST


Secretary

BOROUGH OF CALIFORNIA

BY 
Council President

AMENDMENT TO INTERMUNICIPAL AGREEMENT

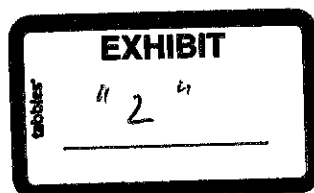
MADE the _____ day of October, 2015, by and between the CENTER-WEST JOINT SEWER AUTHORITY, a municipal authority of the Commonwealth of Pennsylvania ("Authority"), and the BOROUGH OF CALIFORNIA, a political subdivision of the Commonwealth of Pennsylvania ("Borough").

WHEREAS, the Authority and the Borough are parties to an Intermunicipal Agreement dated February 10th, 2011, in which the Borough granted to the Authority the right to provide public sewage treatment service in certain areas of the Borough; and

WHEREAS, the Authority and the Borough wish to amend said agreement to add some additional area of the Borough that the Authority shall have the right to service.

NOW, THEREFORE, it is agreed as follows:

1. The Service Area where the Authority shall be permitted to provide service is expanded to include the area identified on the map attached hereto as Exhibit "A" and incorporated by reference.
2. In all other respects, the original agreement between the Authority and the Borough referred to above shall remain in full force and effect.



WITNESS THE DUE EXECUTION HEREOF, with the intent to be legally bound hereby, the day
and year first above written.

CENTER-WEST JOINT SEWER AUTHORITY

BY _____

BOROUGH OF CALIFORNIA

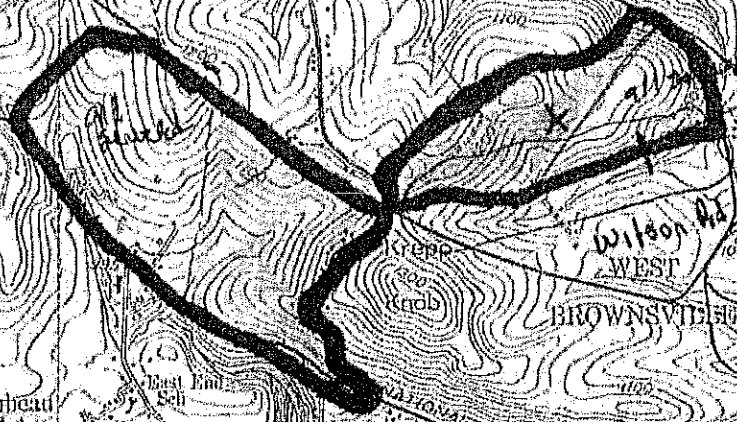
BY Patry J. Alfano, Council Pres.

CALIFORNIA

*Water services
and is regulated
by a utility*

*Parcel
subject to*

*and has
of*



MONONGAHELA

Wilson Rd
WEST

BROWNSVILLE

BROWNSVILLE

BROWNSVILLE