

ORDINANCE NO. 2011 -

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE PROVIDING FOR AN AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT APPOINTING THE MUTUAL UTILITY ALLIANCE AS THE CONSULTANT OF THE BOROUGH OF PHOENIXVILLE, AND NAMING A LEAD LOCAL GOVERNMENT FOR THE PURPOSE OF BIDDING AND PURCHASING CERTAIN ENERGY PRODUCTS AND SERVICES, OR OTHER PRODUCTS AND SERVICES AS DESIGNATED IN THE AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT.

The Borough Council of the Borough of Phoenixville hereby ordains as follows:

Section I.

The Borough Manager and Borough Council Officers of the Borough of Phoenixville are hereby authorized and directed to execute and deliver a Joinder to the Amended and Restated Intergovernmental Cooperation Agreement dated April 7th, 2009 (the “**Agreement**”), a copy of which is attached hereto and made a part hereof, 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 effected under the Agreement.

Section II.

The Borough Manager and Borough Council Officers are hereby authorized to deliver a written commitment to purchase the specific energy or other services through the Municipal Utility Alliance Program, and to execute a Purchase and Sales Agreement with the Supplier on the terms and conditions as negotiated and obtained by the MUA, and through the Lead Local Government entity, a political subdivision named in the MUA, provided that the conditions set forth in Section 12 of the Agreement have been met.

Section III.

The Borough is authorized to enter into the Joinder to the Agreement and purchase energy or other services pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 et seq.; the Pennsylvania Borough Code at 53 P.S. 46402(d)(4) which permits contracts and purchases to be made with another political subdivision as well as other governmental entities; and the Commonwealth Procurement Code at Chapter 19.

Section IV.

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

Borough of Phoenixville
140 Church Street
Phoenixville, PA 19460
Attention: Borough Manager

With a copy to:

Borough of Phoenixville
140 Church Street
Phoenixville, PA 19460
Attention: Borough Finance Director

Section V.

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 VI.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VII

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section VIII.

The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section IX.

This Ordinance shall become effective upon enactment as provided by law.

PASSED and **ORDAINED** by Borough Council this 13th day of December, 2011.

By: _____
Richard M. Kirkner
President, Borough Council

APPROVED by the Mayor, this 13th day of December, 2011.

By: _____
Leo J. Scoda, Mayor

ENACTED this 13th day of December, 2011.

By: _____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 13th day of December, 2011.

By: _____
E. Jean Krack
Borough Manager/Secretary