

ORDINANCE NO. 59

AN ORDINANCE SIGNIFYING THE INTENTIONS OF BUCKS COUNTY TO ACQUIRE THE PROJECTS OF THE NESHAMINY WATER RESOURCES AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT OF 1945.

BE IT ENACTED AND ORDAINED by the Board of County Commissioners of Bucks County, Pennsylvania, AND IT IS HEREBY ENACTED AND ORDAINED by the authority of the Board of Commissioners as follows:

Section 1. On June 13, 1966, by Ordinance No. 11 of Bucks County, the Board of Commissioners of Bucks County, Pennsylvania established a municipal authority under the provisions of the Municipality Authorities Act of 1945 (Act of May 2, 1945, P.L. 382, as amended) known as the Neshaminy Water Resources Authority.

Section 2. The initial projects which the Neshaminy Water Resources Authority was authorized to undertake included: to acquire, build, construct, improve, maintain and operate, own, lease, either in the capacity of lessor or lessee, flood control projects, low head dams, water works, water supply works, water distribution system, lakes and appurtenant parks, recreation grounds and facilities.

Section 3. The Neshaminy Water Resources Authority was originally created by the Bucks County Commissioners in part because of then applicable limits on long-term borrowing by a County, which limits could be lawfully evaded by the creation of a municipal authority.

Section 4. Since the time when the Neshaminy Water Resources Authority was organized, changes in applicable law, including the Local Government Unit Debt Act, have occurred which make any borrowings of the Neshaminy Water Resources Authority a part of the stated and acknowledged debt of the County of Bucks, thereby eliminating one of the original purposes for which the Neshaminy Water Resources Authority was created.

Section 5. The Neshaminy Water Resources Authority has established as its first project the construction and acquisition of facilities for the control of floods, development of water resources, the conservation of soil, and assistance to recreation, including the construction and acquisition of reservoirs for the purposes of water supply and flood control and the construction of one or more intakes and pumping stations to take water from the Delaware River, and the construction of parks and recreational facilities adjoining certain of the reservoirs. The project, subsequent to its initial design has been expanded to include construction of a water treatment plant and certain pumping facilities for treated water.

Section 6. The project, as undertaken by the Neshaminy Water Resources Authority, is either completed or contracts have been awarded which are a substantial step toward completion of the project.

Section 7. Bucks County now desires to acquire the project, pursuant to Section 321(A) of the Municipality Authorities Act.

Section 8. The reasons for Bucks County's intention to acquire the project include the results of a referendum question on the May 17, 1983 primary ballot, the concerns of the Bucks County Commissioners over the terms of certain contracts which require the issuance of bonded debt for a longer term than is thought possible or practical, and their desire to have direct control over the terms and financial impact of the project.

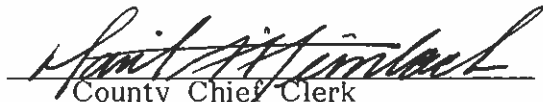
Section 9. Bucks County assumes all of the obligations, contracts, assets and liabilities of the Neshaminy Water Resources Authority with respect to the project, and the proper officers of the County are authorized and directed to take such actions and execute such documents as are necessary to assume all obligations incurred in connection with the project.

Section 10. All bonded indebtedness previously incurred by the Neshaminy Water Resources Authority shall, upon adoption of this Ordinance, be secured by the full faith and credit of the County of Bucks.


Section 11. All ordinances and resolutions, or parts thereof, inconsistent herewith are hereby repealed or rescinded.

DULY PRESENTED AND ENACTED at a meeting of the Board of Commissioners of the County of Bucks, Pennsylvania, held the 18th day of November, 1983.

Attest:

  
County Chief Clerk  
(SEAL)

  
Elaine P. Zettick, Chairman

  
Andrew L. Warren

  
Carl F. Fonash

Board of County Commissioners