

**BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1125

**AN ORDINANCE OF THE BOROUGH OF AMBLER,
MONTGOMERY COUNTY, PENNSYLVANIA,
APPROVING THE CERTIFICATE OF TERMINATION OF
THE WATER AUTHORITY AND AUTHORIZING ALL
ACTIONS NECESSARY TO EFFECTUATE THE SAME.**

WHEREAS, the Borough of Ambler is a political subdivision of the Commonwealth of Pennsylvania and enjoys all of the rights and powers granted by the Pennsylvania Borough Code, the Municipal Authorities Act, and other laws related to political subdivisions, and

WHEREAS, Ambler Borough owns and operates its own water department, which is regulated by the Pennsylvania Public Utilities Commission, and

WHEREAS, Ambler Borough formed a water authority by the adoption of ordinance (INSERT) with the intention of transferring water operations to the Authority, and

WHEREAS, for numerous reasons stemming from the objection of Townships within the water service area to such transfer, Ambler Borough will continue its operations of the water department and, consistent with its public statement upon forming the Authority that it would dissolve the Authority if its transfer efforts were unsuccessful, it now desires to dissolve the Authority, and

WHEREAS, at a duly advertised meeting of the Water Authority on September 9, 2021, the Water Authority board did vote to execute, and did execute, a certificate requesting termination of the water authority,

NOW, THEREFORE, PURSUANT TO THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, THE BOROUGH COUNCIL OF THE BOROUGH OF AMBLER DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. The Borough Council hereby directs and orders that the Authority be terminated.

Section 2. Insofar as water operations were never transferred to the Authority, which met once to organize and once to authorize termination, there are no debts or accounts or financial transactions or documents of any kind, and there are no further actions required of the Authority prior to its termination.

Section 3. . The Authority has approved, executed and delivered to the Borough a Certificate of Termination dated September 9, 2021, a true and correct copy of which is attached hereto as Exhibit “A” (the “Certificate”), so that the Borough, as required by the Authorities Act, 53 Pa.C.S. §5619, may as and when appropriate file the executed Certificate with the Pennsylvania Department of State.

Section 4. The Authority is hereby prohibited from taking any action or expending any money in connection with any action that is inconsistent with its termination. The Authority shall not engage in any conduct or expend any money, directly or indirectly, for any purpose other than accomplishing the directives and objectives of the Borough as set forth in this Ordinance. Any expenditure of funds by the Authority that is contrary to the directives and objectives of the Borough as set forth in this Ordinance shall be a violation of the restrictions on expenditures of funds by the Authority under the Authorities Act, 53 Pa.C.S. §5612 and a violation of the specification of projects to be undertaken by the Authority under the Authorities Act, 53 Pa.C.S. §5607(c).

Section 5. The Borough Council hereby approves the Certificate in the form attached hereto as Exhibit “A”.

Section 5. Upon enactment of this Ordinance and compliance with all executory provisions herein, the proper officers of the Borough Council are hereby authorized to file the Certificate in the Office of the Secretary of the Commonwealth of Pennsylvania.

Section 6. Upon receipt of the Certificate, the Secretary of the Commonwealth shall note the termination of existence of the Authority on the Authority’s record of incorporation and return the Certificate with approval to the Borough Council. Upon receipt thereof, the proper officers of the Borough Council are hereby authorized to record the Certificate in the Office of the Recorder of Deeds of Montgomery County.

Section 7. Upon recordation of the Certificate with the Montgomery County Recorder of Deeds, all property of the Authority shall pass to the Borough, the Borough shall assume any remaining liabilities of the Authority, and the Authority will be effectively terminated.

Section 8. The Borough Council, its president, the Borough manager, and the Borough solicitor are all, individually and collectively, authorized to take any further action necessary to effectuate the termination of the Authority and the the removal of any impediments to such termination.

Section 9. All ordinances, parts of ordinances, resolutions or parts of resolutions inconsistent herewith be and the same are hereby rescinded, cancelled and annulled.


Section 10. If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the legislative intent of the Borough Council that this


Ordinance was enacted to terminate the Authority and should be interpreted to effectuate such intent.

Section 11. This Ordinance shall take effect on the earliest date permitted pursuant to section 3301.3(b) of the Pennsylvania Borough Code.

ENACTED AND ORDAINED by Borough Council of the Borough of Ambler, Pennsylvania, this 19th day of October, 2021.

AMBLER BOROUGH COUNCIL

By: 
Frank DeRuosi, Borough Council President

Attest:

Mary Aversa, Borough Secretary