

BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 146

**AN ORDINANCE TERMINATING THE BENNER TOWNSHIP WATER AUTHORITY,
APPROVING THE CERTIFICATE OF TERMINATION OF THE AUTHORITY,
AND AUTHORIZING ALL ACTIONS NECESSARY TO
EFFECTUATE THE SAME**

WHEREAS, the Board of Supervisors of Benner Township wishes to promote the public health, safety, and welfare of its residents and to provide mechanisms to achieve the provision of potable water to its residents; and

WHEREAS, Benner Township is a municipal corporation and township of the second class, duly organized and lawfully existing under the Second-Class Township Code (53 P.S. §65101, et seq.) as amended, located in Centre County, Pennsylvania; and

WHEREAS, Benner Township, pursuant to a resolution and ordinance adopted on November 1, 1993, by the Board of Supervisors, has heretofore incorporated the Benner Township Water Authority (the "Authority") pursuant to the Municipalities Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended and supplemented, and as subsequently codified as the Municipalities Authorities Act, Act of June 19, 2001, P.L. 287, 53 Pa. C.S. §5601, et seq. (the "Authorities Act"); and

WHEREAS, the Township, as the municipality which incorporated the Authority, has the power to terminate the Authority in accordance with the Authorities Act; and

WHEREAS, the Township, acting through its Board of Supervisors, desires to enact this Ordinance to terminate the Authority in accordance with the Authorities Act and effectuate the transfer of all of its property to the Township and the assumption of all of its liabilities by the Township.

AND NOW, therefore, pursuant to the Authority contained in the Second-Class Township Code and the Pennsylvania Municipalities Authorities Act, the Board of Supervisors of Benner Township does hereby enact and ordain as follows:

Section 1. Title. This Ordinance shall be known as the Benner Township Water Authority Termination Ordinance.

Section 2. Legislative Findings. The purpose of this Ordinance is to terminate the Benner Township Water Authority as provided in the Authorities Act, provide for transfer of all

assets, accounts, contract rights, and all tangible and intangible property from the Authority to the Township, and to provide for the assumption by the Township of all liabilities of the Authority in order to better provide potable water to residents of the Township.

Section 3. Authority. This Ordinance is adopted pursuant to the powers and authority of the statutes of the Commonwealth of Pennsylvania, including but not limited to the Second-Class Township Code, specifically but not limited to Section 1548, pertaining to municipality authorities, and Section 2601, pertaining to acquisition of water systems, and the Authorities Act, which provides for creation and termination of municipal authorities.

Section 4. Action.

- a. The Board of Supervisors hereby directs and orders that the Authority be terminated.
- b. The Authority is directed and ordered to take all actions necessary to effectuate its termination, including but not limited to the following:
 - i. The Authority shall immediately terminate and cease any activity that is not consistent with Benner Township's directives contained herein and as required to effectuate its termination.
 - ii. The Authority shall cooperate with the Township in an orderly windup of its activities, and take all steps necessary to effectuate the transfer of all of its assets, funds, and other property, including, as applicable, any regulatory permits, to the Township, and the assumption of all of its liabilities by the Township. The Authority shall continue to operate its system in the normal course during this windup activity.
 - iii. The Authority shall satisfy any outstanding debts and obligations of the Authority and settle all other claims which may be outstanding against it; provided, however, that the Authority shall seek approval of the Board of Supervisors of Benner Township prior to satisfying any such outstanding debts, obligations and claims, and shall cooperate with the Township in the execution of any agreements, instruments, certificates, and other documents determined by the Township to be necessary or appropriate to effectuate the satisfaction of any outstanding debts and obligations of the Authority, and also to transfer any contractual rights of the Authority to the Township.
 - iv. The Authority shall approve, execute, and deliver to the Township on or prior to December 1, 2025, or as soon thereafter as can practicably be accomplished, a Certificate of Termination, in the form attached hereto as Exhibit A (the "Certificate"), so that the Township, as required by the Authorities Act, 53 Pa. C.S. §5619, may as and when appropriate file the executed Certificate with the

necessary governmental agencies.

- v. The Authority shall take all actions necessary to remove any impediments to its termination in accordance with the Authorities Act, subject, however, to the prior approval of such actions by the Board of Supervisors of Benner Township.
- c. The Authority hereby is 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 a conduct or expend any money, directly or indirectly, for any purpose other than accomplishing the directives and objectives of Township as set forth in this Ordinance. Any expenditure of funds by the Authority that is contrary to the directives and objectives of the Township as set forth in this Ordinance shall be a violation of the restrictions on the expenditure of funds of the Authority under the Authorities Act, 53 P.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.
- d. The Board of Supervisors hereby approves the Certificate in the form attached hereto as Exhibit A.
- e. Upon enactment of this Ordinance and compliance with all executory provisions herein, the proper officers of Benner Township are hereby authorized to file the Certificate in the Office of the Secretary of the Commonwealth of Pennsylvania.
- f. 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 Board of Supervisors of Benner Township. Upon receipt thereof, the proper officers of the Township are hereby authorized to record the Certificate in the Office of the Recorder of Deeds of Centre County, Pennsylvania, and such other offices as may be appropriate.
- g. Upon recordation of the Certificate with the Centre County Recorder of Deeds, all property of the Authority shall pass to the Township, the Township shall assume any remaining liabilities of Authority, and the Authority will be effectively terminated.
- h. The Board of Supervisors, its Chair and Vice Chair, and the Secretary of the Township, are all, individually and collectively, authorized to take any further action necessary to effectuate the termination of the Authority, the removal of any impediments to such termination, the satisfaction of any outstanding debts and obligations of the Authority (whether by assumption of such debts and obligations by the Township or through the incurrence by the Township in accordance with applicable law of indebtedness, the proceeds of which shall be used to satisfy such debts and obligations), the transfer of the Authority's funds and assets to the Township, and the assumption of any liabilities of the Authority.

- i. All funds, assets and other property required by this Ordinance to be turned over by the Authority to the Township shall be held and utilized by the Township in a manner consistent with applicable laws.

Section 5. Severability. The provisions of this Ordinance are severable and if any of its provisions are ruled by a Court of competent jurisdiction as invalid or unconstitutional, such invalid provision(s) will not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

Section 6. Repealer. Any ordinance, or part of an ordinance, conflicting with the terms of this Ordinance, are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective five (5) days after passage and shall thereafter be enforceable.

HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Benner, Centre County, Pennsylvania, this 2nd day of September, 2025.

BOARD OF SUPERVISORS OF BENNER
TOWNSHIP

By: Randy Moyer
Randy Moyer, Chairman

By: Larry Lingle
Larry Lingle

By: _____
Kathy Evey

ATTESTATION

I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance in accordance with the Pennsylvania Second Class Township Code, as reenacted and amended.



Sharon Royer, Secretary/Treasurer

CERTIFICATION OF ADOPTION

I hereby certify that I am the Secretary/Treasurer of the Board of Supervisors of Benner Township, and that the foregoing Ordinance was adopted at a regular or special meeting of the Board of Supervisors held on the 2nd day of September, 2025.



Sharon Royer, Secretary/Treasurer

EXHIBIT A

**CERTIFICATE OF TERMINATION
OF THE
BENNER TOWNSHIP WATER AUTHORITY**

THIS CERTIFICATE ("Certificate") is made the _____ day of _____, 2025, by the Benner Township Water Authority ("Authority").

WHEREAS, pursuant to Ordinance No. _____ of the Benner Township Board of Supervisors of Centre County, Pennsylvania, the ("Township"), the Authority was directed to take all actions necessary to effectuate its termination.

WHEREAS, pursuant to the Municipalities Authorities Act, 53 Pa. C.S. §5619, the Authority hereby submits this Certificate, requesting and advising that the Benner Township Board of Supervisors terminate the Authority's existence; and

WHEREAS, pursuant to the Municipalities Authorities Act, 53 Pa. C.S. §5619, the Benner Township Board of Supervisors is authorized to approve this Certificate by Ordinance.

NOW, THEREFORE, the Authority, intending to be legally bound hereby, certifies as follows:

1. The Authority hereby submits this Certificate requesting its termination pursuant to Ordinance No. _____ of Benner Township, and the Municipalities Authorities Act, 53 Pa. C.S. §5619.
2. The Board of Supervisors of Benner Township is authorized to terminate the existence of the Authority based on the prior action of the Board of Supervisors of Benner Township to create the Authority in Ordinance No. 59, dated November 1, 1993.
3. The Chair and Secretary of the Authority are hereby authorized to take all actions necessary to carry out the purposes of this Certificate and to effectuate the dissolution of the Authority.

IN WITNESS WHEREOF, the undersigned officers of the Authority, having been authorized by the Board of the Authority, have hereunto set their hands and seals the day and year first written above.

ATTEST:

BENNER TOWNSHIP WATER
AUTHORITY

By: _____