

WS 7/28/10
pam

ORDINANCE NO. 5 - 2010

AN ORDINANCE OF THE COUNTY OF DAUPHIN, REPEALING ORDINANCE NO. 2-1999 AND AUTHORIZING AND DIRECTING ITS DULY AUTHORIZED COUNTY COMMISSIONER SERVING ON THE BOARD OF DIRECTORS OF THE SOUTHCENTRAL EMPLOYMENT CORPORATION TO TAKE ANY AND ALL ACTION NECESESARY OR DESIRABLE TO WIND UP THE AFFAIRS OF THE SOUTHCENTRAL EMPLOYMENT CORPORATION.

WHEREAS, the participating units of general local government enacted legislation being Cumberland County Ordinance 83-2; Dauphin County Ordinance 2-83; Perry County Ordinance 83-06; Borough of Carlisle Ordinance 1427; and City of Harrisburg Ordinance 16-1983 to comply with the requirements of the Job Training Partnership Act; and

WHEREAS, the County of Lebanon by reason of Ordinance No. 11-1983 joined together with the other units of general local government and executed the agreement of June 6, 1983 on September 22, 1983; and

WHEREAS, the participating units of general local government enacted legislation being Cumberland County Ordinance 89-4, Dauphin County Ordinance 3-89, Perry County Ordinance 1-89, Borough of Carlisle Ordinance 1647, City of Harrisburg Ordinance 27-1989, Lebanon County Ordinance 15-1989, authorizing the participation of the County of Juniata in the Susquehanna Employment Training Corporation service delivery area and the withdrawal of the Borough of Carlisle and the City of Harrisburg; and

WHEREAS, by reason of Ordinance 1989-10, the County of Juniata joined together with the other units general local government on October 10, 1989; and

WHEREAS, the Workforce Investment Act of 1998 was signed into law on August 7, 1998; and

WHEREAS, on April 23, 1999, pursuant to the Workforce Investment Act of 1998, Governor Thomas R. Ridge designated the counties of Adams, Cumberland, Dauphin, Juniata, Franklin, Lebanon, Perry and York as a Workforce Investment Area; and

WHEREAS, the participating units of general local government enacted legislation being Adams County Ordinance 3-1999, Cumberland County Ordinance 99-3, Dauphin County Ordinance 2-1999, Juniata County Ordinance 1999-20, Franklin County Ordinance 99-01, Lebanon County Ordinance 24-1999, Perry County Ordinance 99-1, and York County Ordinance 1999-02, authorizing the appointment of one County Commissioner from each respective county to the Board of Directors of the Susquehanna Employment Training Corporation which Board constitutes the "Chief Elected Officials" for purposes of the Workforce Investment Act (hereinafter "**Chief Elected Officials**"); and

WHEREAS, on September 3, 1999, the Susquehanna Employment and Training Corporation filed articles of amendment with the Commonwealth of Pennsylvania Department of State and changed its name to Southcentral Employment Corporation (hereinafter "**Corporation**"); and

NOW, THEREFORE, be and it is hereby ordained by the Commissioners of the County of Dauphin as follows:

SECTION I

Dauphin County hereby repeals Ordinance 2-1999 which authorized and directed the County to enter into a joint agreement with similarly empowered representatives of the Counties of Adams, Cumberland, Dauphin, Franklin, Juniata, Lebanon, Perry, and York designated as a Workforce Investment Area pursuant to the Workforce Investment Act.

SECTION II

Dauphin County's representative, as appointed in Resolution No. 4-2004 or his successor (hereinafter "**Representative**"), is hereby authorized to take any and all action necessary or desirable to wind up the business affairs of the **Corporation** including such action as agreed upon now, or in the future, by a majority of the duly authorized representatives, who were designated as **Chief Elected Officials** for the purposes of the Workforce Investment Act of 1998.

SECTION III

The **Representative** is authorized to execute any and all documents necessary or desirable to effectuate the action or actions as agreed upon by a majority of the duly authorized representatives with regards to the **Corporation**.

SECTION IV

To the extent not inconsistent with this Ordinance, the Ordinances hereinbefore mentioned of this unit of general local government are hereby affirmed, ratified and reordained.

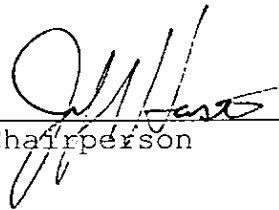
SECTION V

This Ordinance shall take effect as provided by law.

COUNTY OF DAUPHIN



Chief Clerk



Chairperson

EXHIBIT "A"

LOCAL ELECTED OFFICIALS AGREEMENT

THIS AGREEMENT made this 16th day of September, 2010, by and among the following units of general and local government: County of Adams, County of Cumberland, County of Dauphin, County of Franklin, County of Juniata, County of Lebanon, County of Perry and County of York.

RECITALS

R.1. The Workforce Investment Act of 1998 requires an Agreement that specifies the roles of the Chief Elected Officials (hereinafter "Local Elected Officials").

R.2. The Counties of Adams, Cumberland, Dauphin, Franklin, Juniata, Lebanon, Perry and York have been designated, pursuant to the Workforce Investment Act, as a workforce investment area. The Counties are hereinafter referred to as "Participating Units of General Local Government".

R.3. The Participating Units of General Local Government desire to enter into an Agreement to reduce to writing their respective obligations pursuant to the Workforce Investment Act of 1998 (hereinafter "Act") and any successor legislation.

NOW THEREFORE, in consideration of the mutual covenants and obligations herein contained, it is agreed by and among the Participating Units of General Local Government as follows:

1. **Recitals.** The recitals above set forth are hereby incorporated by reference.
2. **Prior Approval of Financial Commitments.** All decisions which shall bind a Participating Unit of General Local Government to a commitment of local financial resources shall be submitted to the governing body of that Participating Unit of General Local Government for prior approval.
3. **Appointment of the Workforce Investment Board.** Each Participating Unit of General Local Government shall have the power to appoint the members of the SouthCentral Workforce Investment Board as provided by the requirements of Section 117 of the Act.

4. **Local Fiscal Agent.** The **Local Elected Officials** shall designate an entity from time to time to serve as **Local Fiscal Agent**.

5. **Term of Agreement.** This Agreement shall remain in full force and effect as long as at least five **Participating Units of General Local Government** continue to appoint **Local Elected Officials**.

6. **Organizational Structure.** The **Local Elected Officials** are authorized to adopt and enter into any and all governing documents, bylaws, contracts or similar agreements necessary or desirable to implement the **Act**.

7. **Withdrawal.** The **Participating Unit of General Local Government** may withdraw from the terms, conditions and commitments of this Agreement by repealing the enabling Ordinance, by failing to appoint a **Local Elected Official** for a period of twelve months, or, in the alternative, passing a Resolution terminating the appointment of a **Local Elected Official**.

8. **Severability.** It is the intent of the parties hereto that the remaining portions of this Agreement shall remain valid, notwithstanding the invalidation of any part hereof by a court of law, by an act of Congress or by an act of any other governing body.

9. **Counterparts.** This Agreement may be executed in counterparts, each of which shall constitute one and the same instrument.

10. **Captions.** The captions are included for convenience of reference only and shall not affect or be considered in the interpretation or construction of any provision of this Agreement.

11. **Governing Law.** This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

12. **Effective Date.** This Agreement shall become effective upon the passage of the enabling Ordinances by five of the **Participating Units of General Local Government**.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto intending to be legally bound have caused this Agreement to be executed by the duly authorize representatives.

COUNTY OF ADAMS

Paul V. Neiman
Chief Clerk

By: George A. Wilk
Chairman

8/18/10
Date

COUNTY OF CUMBERLAND

[Signature]
Chief Clerk

By: [Signature]
Chairman

8/4/10
Date

COUNTY OF DAUPHIN

[Signature]
Chief Clerk

By: [Signature]
Chairman

7/28/10
Date

COUNTY OF FRANKLIN

[Signature]
Chief Clerk

By: [Signature]
Chairman

8/12/10
Date

COUNTY OF JUNIATA

[Signature]
Chief Clerk

By: [Signature]
Chairman

1/20/09
Date

COUNTY OF LEBANON

Chief Clerk

By: _____
Chairman

Date

COUNTY OF PERRY

Kathy Burkholder
Chief Clerk

By: [Signature]
Chairman

4/27/09
Date

COUNTY OF YORK

[Signature]
Chief Clerk

By: [Signature]
Chairman

7/14/10
Date

CONTROLLER'S OFFICE

2011 FEB -2 AM 10:42

SAIDIS, SULLIVAN & ROGERS

A PROFESSIONAL CORPORATION

26 WEST HIGH STREET

CARLISLE, PENNSYLVANIA 17013

TELEPHONE: (717) 243-6222 - FACSIMILE: (717) 243-6486

EMAIL: attorney@ssr-attorneys.com

www.ssr-attorneys.com

EMAILS rsaidis@ssr-attorneys.com, pmccoy@ssr-attorneys.com

*Stacey For
Your files.
Richie*

Robert C. Saidis, Esq

WRITER'S DIRECT DIAL

(717) 243-4614, Ext 240

WEST SHORE OFFICE

635 NORTH 12TH STREET, STE 400

LEMOYNE, PA 17043

TELEPHONE (717)612-5800

FACSIMILE (717)612-5000

REPLY TO CARLISLE

January 27, 2011

Mr. Chad Saylor
Chief Clerk
Dauphin County
P O. Box 1295
2 South Second Street
Harrisburg, PA 17108-1295

Re: Ordinance 5-2010

Dear Mr. Saylor:

By reason of Ordinance No. 5-2010, you approved the LEO Agreement.

A fully executed copy of the agreement, with all other county signatures, is enclosed for your records.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

SAIDIS, SULLIVAN & ROGERS



Robert C. Saidis

RCS/pm