

COUNTY OF FRANKLIN
Proposed ORDINANCE NO. 2010-003

On Motion duly made by Commissioner _____ and seconded by
Commissioner _____, it is moved that:

AN ORDINANCE OF THE COUNTY OF FRANKLIN AUTHORIZING AN AGREEMENT PURSUANT TO THE WORKFORCE INVESTMENT ACT OF 1998 WITH THE COUNTY OF ADAMS, COUNTY OF CUMBERLAND, COUNTY OF DAUPHIN, COUNTY OF JUNIATA, COUNTY OF LEBANON, COUNTY OF PERRY, AND COUNTY OF YORK.

WHEREAS, on April 23, 1999, pursuant to the Workforce Investment Act of 1998, 29 USC § 2801 et. seq, 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 that one County Commissioner from each respective county shall be appointed to the Board of Directors of the Southcentral Employment Corporation acting as Chief Elected Officials for the purposes of the Workforce Investment Act; and

WHEREAS, the participating units of general local government being Adams, Cumberland, Franklin, Juniata, Lebanon, Perry, and York County are enacting ordinances, repealing its respective 1999 Ordinance and authorizing any and all action necessary or desirable to wind up the affairs of the Southcentral Employment Corporation.

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

SECTION I

That the Chairperson of the Board of Commissioners and the Chief Clerk are hereby authorized and directed to enter into the Local Elected Officials Agreement with similarly empowered representatives of the Counties of Adams, Cumberland, Dauphin, Juniata, Lebanon, Perry, and York (hereinafter "**Local Elected Official Agreement**"). A copy of the **Local Elected Officials Agreement** is hereby incorporated by reference, made a part hereof and marked Exhibit "A".

SECTION II

That for the purposes of the Workforce Investment Act of 1998 or its successor legislation, the term “Chief Elected Official” or “Local Elected Official” are interchangeable (hereinafter “**Local Elected Official**”). **Local Elected Official** means a duly authorized representative of Franklin County, who need not be a county commissioner, appointed by separate resolution of the Board of Commissioners (hereinafter “**County Representative**”). The **County Representative** shall serve until the representative’s resignation or the appointment of a successor **County Representative** by resolution of the Board of Commissioners. The **County Representative** may designate a permanent proxy who shall have all the rights, powers, and duties of the **Local Elected Official**. The proxy must be in writing, signed by the **County Representative**, witnessed and dated.

SECTION III

The **Local Elected Official** designated by Resolution is authorized to adopt and enter into any and all governing documents, bylaws, contracts or similar agreements necessary or desirable to implement the Workforce Investment Act of 1998 or its successor legislation. This shall include, but not be limited to the designation of the Fiscal Agent, the Agreement between the SouthCentral Workforce Investment Board and **Local Elected Officials**, rules and regulations to govern the Workforce Investment Area and their affairs as **Local Elected Officials**.

SECTION IV

This Ordinance shall take effect as provided by law.

ATTEST

COUNTY OF FRANKLIN

John Hart, Chief Clerk

David S. Keller, Esq., Chairman

Robert L. Thomas, Commissioner

Robert G. Ziobrowski, Commissioner

EXHIBIT "A"

LOCAL ELECTED OFFICIALS AGREEMENT

THIS AGREEMENT made this ____ day of _____, 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

Chief Clerk

By: _____
Chairman

Date

COUNTY OF CUMBERLAND

Chief Clerk

By: _____
Chairman

Date

COUNTY OF DAUPHIN

Chief Clerk

By: _____
Chairman

Date

COUNTY OF FRANKLIN

Chief Clerk

By: _____
Chairman

Date

COUNTY OF JUNIATA

Chief Clerk

By: _____
Chairman

Date

COUNTY OF LEBANON

Chief Clerk

By: _____
Chairman

Date

COUNTY OF PERRY

Chief Clerk

By: _____
Chairman

Date

COUNTY OF YORK

Chief Clerk

By: _____
Chairman

Date

EXHIBIT "A"

CERTIFICATE

I, the undersigned, Administrator of the County of Franklin, Pennsylvania, do hereby certify that the attached is a true and correct copy of Ordinance 2010-003 adopted by the County of Franklin that was duly ordained and enacted by an affirmative vote of the Board of Commissioners of the County of Franklin at a meeting thereof held the ____ day of _____, 2010, which meeting was at all times open to the public and of which due notice was given as required by law.

I further certify that the total number of members of the Board of Commissioners is three (3), that vote upon said Ordinance was called and duly recorded upon the minutes of said meeting and that the members of the Board of Commissioners voted in the manner following:

<u>Name</u>	<u>Vote</u>
David S. Keller	
Robert L. Thomas	
Robert G. Ziobrowski	

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Franklin this ____ day of _____, 2010.

John A. Hart
Franklin County Administrator