

LOWER OXFORD TOWNSHIP

**AN ORDINANCE ESTABLISHING THE ADOPTION
OF THE OXFORD REGIONAL GOVERNMENT
COOPERATIVE PLANNING AGREEMENT**

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania, as follows:

I. Statement of Purpose

The purpose of this Ordinance is to authorize the entering into an Intergovernmental Cooperative Planning Agreement with the Borough of Oxford and the Townships of East Nottingham, Elk, Upper Oxford and West Nottingham, Chester County, Pennsylvania for the purpose of joint municipal planning between the members of the Oxford Region and further to authorize the expenditure of funds and establish other commitments and benefits under the terms of the Agreement. A true and correct copy of the Intergovernmental Cooperative Planning Agreement is attached hereto as Exhibit "A" and incorporated herein by reference as though set out in full.

II. Duration

The duration of the term of the Agreement is three (3) years.

III. Objectives of the Agreement

The objective of the Agreement is to provide for the establishment of a multimunicipal planning committee to study and evaluate the needs and requirements for current and future residents and develop planning strategies and growth management and options for the Regions.

IV. Funding

The manner and extent of financing the Agreement is that each individual municipality which is a part of the Region shall contribute to the multimunicipal planning committee. The original funding amount for each individual municipality is \$2,100.00 in three equal increments of \$700.00 for each of the three (3) years beginning January, 2008. In addition, each member municipality shall contribute an additional \$200.00 annually commencing January 2008 for the three (3) year term over and above the above-referenced cost. This contribution will be utilized to establish an operating fund for the Oxford Region to be applied toward mutually agreed upon expenses.

V. Membership

The organizational structure to implement the Agreement is that each municipality shall appoint two (2) members to the planning committee. One shall be a member of the governing

body and one from the Planning Commission. Each municipality has the option to appoint an alternate to attend in either above member's absence.

Each municipality shall have one (1) vote and actions of the committee require the affirmative vote of the majority of the committee as appointed and not as present at a particular meeting. Any advancement or expenditure of funds over and above those identified in the above action must be approved by each individual municipality.

There is no intention that any real or personal property shall be acquired by means of this committee nor shall the committee have any employees.

VI. Severability

In the event that any term or provision of this Ordinance shall be determined to be invalid or unenforceable, for any reason, this determination shall not affect any of the remaining terms and obligations of this Ordinance, which shall be read and construed as if the parties has initially intended to omit that term or provision determined to be invalid or unenforceable.

ADOPTED this 14 day of NOVEMBER, 2007 by the Board of Supervisors of Lower Oxford Township and effective five (5) days hereafter.

Attest:

LOWER OXFORD TOWNSHIP

Sara B. Laganelli
Sara Laganelli, Secretary

Arthur A. Astle
Arthur A. Astle, Chairman

Kenneth L. Hershey
Kenneth L. Hershey

W. Ronald Kepler
W. Ronald Kepler

Exhibit "A"

AN INTERGOVERNMENTAL COOPERATIVE PLANNING AGREEMENT FOR THE OXFORD REGION

THIS INTERGOVERNMENTAL COOPERATIVE PLANNING AGREEMENT is made this 14 day of November 2007, by and between the municipalities of the Oxford Region. The municipalities of the Oxford Region, consisting of the Borough of Oxford and the townships of East Nottingham, Elk, Lower Oxford, Upper Oxford, and West Nottingham, Chester County, Pennsylvania, hereby agree to be legally bound as follows:

I. AUTHORITY

Article 9, Section 5 of the Constitution of the Commonwealth of Pennsylvania and the Intergovernmental Cooperation Act of December 19, 1996, P.L. 1158 No. 177 (53 Pa C.S. §§2301 et seq.) authorize the governing bodies of Pennsylvania municipalities broad authority to cooperate with other municipalities in the exercise or delegation of any function, power, or responsibility.

Article XI of the PA Municipalities Planning Code, Act of July 31, 1968, No. 247, Amended 1972, June 1, P.L. 333, No. 93, Amended 2000, June 22, P.L. 483, No. 67 (53 Pa C.S. §§10101 et seq.) enables governing bodies to enter into intergovernmental cooperative agreements for the purposes of developing, adopting, and implementing a comprehensive plan for all or any part of the geographic areas in which the municipalities are located.

II. BACKGROUND

The Oxford Region is comprised of adjoining municipalities located in southwestern Chester County. Over the past four decades, these municipalities have worked both separately and jointly to accomplish similar planning objectives including the preservation of the Region's rural and agrarian character, coordinated facilities planning, and strengthening the economic viability of Oxford Borough. The municipalities of the Oxford Region agree that both current and future residents can benefit from a multimunicipal assessment of the area's planning needs and that planning together may help the Region to implement state mandated planning requirements with less impact on each individual municipality.

III. PURPOSE OF THE COOPERATIVE PLANNING AGREEMENT

A. This Agreement provides for the establishment of a multimunicipal planning committee to study and evaluate the needs and requirements for current and future residents and develop planning strategies and growth management options for the Region. This planning committee will undertake, as its primary responsibility, the writing of a multimunicipal comprehensive plan (plan) which will include the required elements for a comprehensive plan established in Article III of the Municipalities Planning Code. In addition, the multimunicipal comprehensive plan will consider and support the following multimunicipal planning purposes as generally described in Article XI in the Municipalities Planning Code:

1. Encourage cooperation and coordinated planning among adjoining municipalities so that the Region and its municipalities accommodate their share of multimunicipal growth.
2. Protect and maintain the identity of the Region's municipalities while working to achieve common goals.
3. Prevent the unnecessary conversion and loss of the Region's valuable agricultural land and open space and support the economic viability of the agricultural industry.
4. Protect the vital environmental resources of the Region including land, water, and biotic resources.
5. Provide for development that is compatible with surrounding land uses and that will complement existing land development with a balance of commercial, industrial, and residential uses.
6. Protect historic, cultural, and scenic resources and provide for the continuation of historic community patterns.
7. Identify those areas where growth and development will occur so that public infrastructure services such as sewer, water, highways, police and fire protection, public schools, parks, open space and other services can be adequately planned and provided as needed to accommodate the growth that occurs.
8. Provide for coordinated highways, public services and development that complement and support the economic and transportation needs of the Region, its municipalities, and the Commonwealth.
9. Ensure that new public water and wastewater treatment systems are constructed in areas that will result in the efficient utilization of existing systems and that existing public water and wastewater treatment systems are constructed or extended only in those areas within which anticipated growth and development is appropriate and sustainable.
10. Encourage innovations in residential, commercial and industrial development to meet growing population demands by an increased variety in type, design and layout of structures and by the conservation and more efficient use of open space ancillary to such structures.
11. Facilitate the development of affordable and other housing types in numbers consistent with the need for such housing as shown by existing and projected population and employment data for the region.

B. In addition, it is the intention of the Region that the multimunicipal comprehensive plan be generally consistent with the County Comprehensive Plan, *Landscapes*.

IV. MEMBERSHIP AND OPERATION

A. The governing bodies of the participating municipalities shall have the following responsibilities:

1. The governing body for each member municipality shall appoint to the planning committee two (2) members consisting of one (1) member from the governing body and one (1) member from the planning commission. If either representative is unable to attend the planning committee meeting, one (1) alternate person may be appointed to attend in their stead.
2. Each municipality may replace any of the members who it appoints to the planning committee at any time, but the number of additional members to the planning committee may be increased only by the majority vote of the governing body of each municipality.
3. The governing bodies shall establish a joint banking account for the Oxford Region to cover any fees incurred in the production of the multimunicipal comprehensive plan, including but not limited to consultant fees, administrative fees, and public notice (advertising) costs.
4. The governing bodies shall have the responsibility of selecting and retaining a planning consultant to assist the planning committee in the development of the multimunicipal comprehensive plan.

B. The Planning Committee shall be organized and function as follows:

1. Each municipality shall have one (1) vote, which shall be cast by the governing body member, with a proxy vote available by the planning commission member or alternate if the governing body member is not in attendance.
2. An action of the planning committee requires the affirmative vote of a majority of the members.
3. The executive aspects for the planning committee shall rest with a Chairperson, who shall be selected by a majority vote of the planning committee members. The Chairperson shall preside at all meetings and hearings of this planning committee, and shall have the duties normally conferred by parliamentary usage of this office. Robert's Rules of Order shall be followed in conducting all meetings.
4. The planning committee shall select a Vice-Chairperson by a majority vote to preside at meetings in which the Chairperson is absent. The Vice-Chairperson shall be from a municipality other than that of the Chairperson.
5. The planning committee shall select a Treasurer by a majority vote who shall pay any fees incurred in accordance with the multimunicipal comprehensive plan from

a joint banking account established by the member municipalities. The Treasurer shall be from a municipality other than that of the Chairperson and Vice-Chairperson. Any expenditure from the joint bank account for costs associated with the multimunicipal comprehensive planning effort shall require the signature of two of the three Planning Committee Officers (i.e., Chairperson, Vice-Chairperson, and Treasurer).

6. The planning committee shall select a secretary by a majority vote who shall keep the minutes and records of all activities, and provide correspondence to such persons and/or entities as the planning committee shall direct. The secretary shall work in accordance with legal counsel to provide proper legal notice of all meetings and/or hearings. The secretary shall provide a monthly report of all activities to the governing body and planning commission of each municipality to keep them apprised of the activities of the Region.
7. The planning committee may invite, by majority vote of the members, outside participants with a specific area of expertise or interest (e.g. from area conservation organizations, historic commissions, community groups, business associates, representatives from the Oxford Area School District, representatives from public utilities, etc.) to attend and participate in meetings for which their area of expertise or interest is being discussed. Their attendance is for informational purposes only and no voting rights shall be bestowed upon them.

V. MEETINGS

- A. Meetings shall be held on a monthly basis on a date and at a time and place selected by a majority vote of the planning committee.
- B. A quorum shall require representation from a majority of the member municipalities within the Oxford Region at each of the meetings.
- C. Meetings shall primarily be devoted to the development of the multimunicipal comprehensive plan but may also be used to provide for updates from member municipalities on issues or items of interest that may affect the region.

VI. FINANCES AND CONTRACTING AUTHORITY

- A. **Work Program Costs.** The governing body of each member municipality shall contribute to a joint bank account (established by the governing bodies of the member municipalities) an equal share for its participation in the multimunicipal comprehensive plan. The cost per municipality for the multimunicipal comprehensive plan project is estimated to be twenty-one hundred dollars (\$2,100.00), to be paid in equal increments to the joint bank account, of seven hundred dollars (\$700.00) over a three (3) year period, by January 31st of each calendar year commencing January 2008.

The details for the said plan, final contract amount, and the invoicing shall be as described under a separate planning services agreement with the selected planning consultant. The membership, by majority vote of each municipal governing body, shall be authorized to enter into such contracts as shall further the purposes of this Agreement.

- B. Annual Regional Contribution. The governing body of each member municipality shall contribute an additional \$200.00 annually, to be paid by January 31st of each calendar year commencing January 2008, beyond those costs estimated in subsection A., above, for the term of this Agreement stated herein. This contribution from each municipality will be utilized to establish an operating fund for the Oxford Region to be applied toward mutually agreed upon expenses. The annual contribution may be adjusted by unanimous vote to reflect the actual expenditures per year.

VII. TERM

This Agreement shall terminate three (3) years from the effective date, unless the governing body of each municipality extends this Agreement prior to the termination date or until such time that the governing body of each municipality signs an intergovernmental cooperative implementation agreement.

VIII. WITHDRAWAL

Any municipality may withdraw from this Cooperative Planning Agreement so long as the governing body for the withdrawing municipality provides one hundred and eighty (180) days written notice to the other municipalities. The withdrawing municipality shall pay any fees required under the terms of any agreement for services rendered to the date of termination. The remaining municipalities shall have no obligation to pay any portion owed by the withdrawing municipality under any such agreement. Each municipality shall be permitted to retain any materials created as of the date of its withdrawal.

IX. PLAN REVIEW AND ADOPTION

- A. Each municipality shall receive a copy of the multimunicipal comprehensive plan for review.
- B. To establish the recommendations of the multimunicipal comprehensive plan as official policy for the Region, each municipality shall adopt the multimunicipal comprehensive plan pursuant to the Municipalities Planning Code including holding appropriate public meeting(s) and public hearing(s).
- C. If any municipality intends to adopt a version of the multimunicipal comprehensive plan that is different than the final draft produced by the planning consultants, notice of such intention to adopt shall be given to the remaining municipalities so that they have an opportunity to consider the revisions and adopt the same version.
- D. No municipality shall be required to adopt the multimunicipal comprehensive plan; however, if a municipality does not adopt the plan, it shall not have the authority to participate in or receive the benefits conferred by implementing the multimunicipal comprehensive plan under Article XI of the Municipalities Planning Code.

X. IMPACT AND APPLICABILITY

- A. Each municipality agrees that the multimunicipal comprehensive plan applies uniquely to the considerations of the region in which the member municipalities are located. The information contained in the plan is to be considered policy for the Region, not specifically for the individual municipalities, with uses allocated within the reasonable geographic area of the plan. However, municipalities within the Region may choose to use the multimunicipal plan as their primary planning policy document in-lieu of the adoption of an individual comprehensive plan.
- B. The multimunicipal comprehensive plan may not be used against an individual municipality in any forum or proceeding since the policies and direction from this plan are established for the Region.
- C. Each municipality may individually implement the multimunicipal comprehensive plan policies through the adoption of an intergovernmental cooperative implementation agreement and revision to their individual municipal ordinances for general consistency with the multimunicipal plan. Through this process, the benefits of Article XI of the Municipalities Planning Code are conveyed to the municipalities of the Region.
- D. Nothing contained in this Agreement shall be construed to provide third party benefits rights to anyone, and no one shall receive vested rights from any recommendation, finding, study, or plan prepared by the planning committee.

XI. AMENDMENTS AND ADDITIONAL MEMBERS

This Agreement may be amended so long as the majority vote of the governing body of each municipality agrees to the amendment.

XII. SEVERABILITY

In the event that any term or provision of this Agreement shall be determined to be invalid or unenforceable, for any reason, this determination shall not affect any of the remaining terms and obligations of this Agreement, which shall be read and construed as if the parties had initially intended to omit that term or provision determined to be invalid or unenforceable.

XII. EFFECTIVE DATE

This Agreement shall become effective immediately upon the signature of all participating municipalities.

XIII. ENDORSEMENTS

The undersigned parties approve and agree to the conditions of this Intergovernmental Cooperative Planning Agreement:

DATE: 11/14/07

ATTEST:

TOWNSHIP OF LOWER OXFORD

By: Arthur A. Costello
Chairman, Board of Supervisors

Sara Laganelli
Municipal Secretary

Kenneth L. Hensley
Vice Chairman, Board of Supervisors

W. Ronald Kepler
Board of Supervisors