

BILL NO. 1 2015
AN ORDINANCE

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE READING AREA WATER AUTHORITY ARTICLES OF INCORPORATION INCREASING THE NUMBER OF AUTHORITY BOARD MEMBERS TO SEVEN (7) AND SETTING THE TERMS FOR THE TWO NEW AUTHORITY BOARD MEMBERS.

WHEREAS, the City of Reading (the "Municipality"), of Berks County, Pennsylvania, adopted an Ordinance to establish the Reading Area Water Authority (the "Authority"), Berks County, Pennsylvania, on May 5, 1994, pursuant to the Municipality Authorities Act of 1945, as amended (the "Act"); and

WHEREAS, the Authority has a corporate life which expires May 20, 2093; and

WHEREAS, the Authority has had, as its primary purpose, the management of a water treatment, distribution and collection system within the Municipality; and

WHEREAS, the City of Reading City Council has adopted an Ordinance at its meeting of August 25, 2014 amending the lease agreement by increasing the number of Authority Board members; a copy of the Ordinance is attached hereto marked Exhibit "A" and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1: The Reading Area Water Authority Articles of Incorporation shall be amended by expanding the number of Authority Board members by two (2) members, for a total of seven (7).

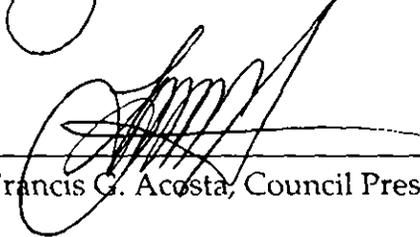
SECTION 2: Defining the terms of the additional two (2) members to be four (4) years and five (5) years, respectively.

SECTION 3: The Mayor, in conjunction with the Reading Area Water Authority, is hereby authorized and directed to execute and file all things necessary and proper to effectuate the amendment to the Articles, and the City Clerk is hereby authorized and directed to affix the seal of the Municipality to any such executions, and attest such signatures of the Mayor and Council President.

SECTION 4: All Articles, Amendments, Ordinances or parts thereof that are

inconsistent with this Ordinance are hereby repealed. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, 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 as the intent of the Municipality Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

BE IT ORDAINED AND ENACTED, this 26 day of Jan, 2015.


Francis G. Acosta, Council President

ATTEST:

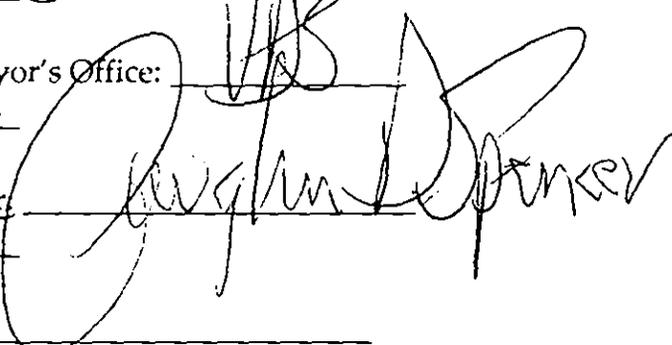

Linda A. Kelleher CMC, City Clerk

Submitted to Mayor: 

Date: 1-27-15

Received by the Mayor's Office: 

Date: 1/27/15

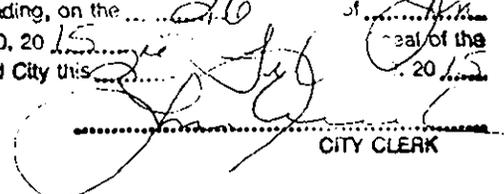
Approved by Mayor: 

Date: 2/2/15

Vetoed by Mayor: _____

Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 26 day of Jan, A. D. 20 15.
said City this 26 day of Jan, 20 15.


CITY CLERK

READING AREA WATER AUTHORITY
RESOLUTION PROPOSING AMENDMENT TO ARTICLES OF INCORPORATION

Adopted July 31, 2014

AN RESOLUTION OF READING AREA WATER AUTHORITY PROPOSING TO
AMEND ITS ARTICLES OF INCORPORATION TO INCREASE THE NUMBER OF
BOARD MEMBER POSITIONS FROM FIVE TO SEVEN.

WHEREAS, the Reading Area Water Authority (the "Authority") is a municipal authority existing under the Municipal Authorities Act of the Commonwealth of Pennsylvania, Act 22 of 2001, 53 Pa. C.S.A. Chapter 56, as amended and supplemented from time to time (the "Act"); and

WHEREAS, by this Resolution of the Authority, the Authority expresses its desire to amend its Articles of Incorporation so as to increase the number of board members from five (5) to seven (7);

NOW, THEREFORE, BE IT RESOLVED by the Board of the Authority, as follows:

SECTION 1. This Authority proposes that the Articles of Incorporation of the Authority be amended to increase the number of board member positions from five (5) to seven (7) in accordance with the proposed below:

ARTICLES OF AMENDMENT

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with provisions of the Municipalities Authorities Act, Act of June 19, 2001, P.L. 287, codified at 53 Pa.C.S.A Section 5601, et seq., as amended and supplemented, of the Commonwealth of Pennsylvania, and pursuant to a resolution duly adopted by the Board of

Reading Area Water Authority proposing an amendment to the Articles of Incorporation of said Authority, which proposed amendment has been submitted to and adopted and approved by the City Council of the City of Reading, Berks County Pennsylvania, the governing authority of the municipality composing said Authority, by an Ordinance duly enacted and ordained, the said Authority hereby files these Articles of Amendment to its Articles of Incorporation and in connection therewith hereby does certify:

1. The name of the Authority is "Reading Area Water Authority"; and the registered office of the Authority is located at 815 Washington Street, Reading, Pennsylvania 19601.

2. The Authority has been duly formed under the provisions of the Act of May 2, 1945, P.L. 382 entitled "Municipality Authorities Act of 1945", as amended and now codified at 53 Pa.C.S.A Section 5601, et seq., the Articles of Incorporation having been approved May 9, 1994.

3. A copy of the Ordinance enacted and ordained by the City Council of the City of Reading, Berks County, Pennsylvania, said City Council being the governing authority of the municipality composing the Authority, duly certified by the City Clerk of said City, is attached hereto and thereby is made a part of these Articles of Amendment.

4. The amendment proposed by the Board of the Authority and adopted and approved by the aforesaid City Council of the City of Reading, Berks County, Pennsylvania, is to amend the Articles of Incorporation of the Authority adding a new Section 7 to read as follows:

"7. The Board of Directors of the Authority shall consist of seven (7) members effective as of September ___, 2014. The two newly created positions shall serve for initial terms, as follows: one new appointee shall serve for a for a term ending the first Monday in January 2018 and the other new appointee shall serve for a term ending the first Monday in

January 2019. Thereafter appointments and rcappointments to the two newly-created Board positions shall serve for terms of five (5) years.”

5. The effective date of the amendments reflected in paragraph 4 above shall be the earliest date permitted by law.

IN WITNESS WHEREOF, the Reading Area Water Authority has caused these Articles of Amendment to be executed in its name and on this behalf by its Chairman or Vice Chairman and its official seal to be affixed hereunto and attested by its Secretary or Assistant Secretary, all as of the ___ day of _____, 2014.

**READING AREA
WATER AUTHORITY**

By: _____
Chairman

ATTEST:

By: _____
Secretary (SEAL)

SECTION 2. The Secretary of the Authority is directed to certify a copy of this Resolution and thereafter to submit said certified copy to the City Council of the City of Reading.

SECTION 3. In the event that the City Council of the City of Reading shall approve the proposed Amendment to the Articles of Incorporation, the proper officers of the Authority shall take such actions and execute such documents as are necessary to cause the Articles of Amendment to be filed in accordance with law.

SECTION 4. All resolutions or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. If any sentence, clause or section or part of this Ordinance is for any reason to be found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution.

SECTION 6. This Resolution shall become effective immediately

DULY ADOPTED this 31st day of July, 2014

READING AREA
WATER AUTHORITY,
Berks County, Pennsylvania



Chairman

ATTEST:



Assf Secretary