

ORDINANCE
NO. 3167

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR THE ESTABLISHMENT OF A CAPITAL RESERVE FUND; PROVIDING FOR TRANSFER OF SURPLUS FUNDS OF THE 2024 BUDGET TO THE CAPITAL RESERVE FUND; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Upper Darby Township Council (“Council”) adopted a budget for the calendar year 2024 on January 17, 2024,

WHEREAS, pursuant to Section 909 (a) of the Home Rule Charter of the Township of Upper Darby, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess,

WHEREAS, Ordinances Nos. 3119-3123, 3137-3139, and 3144 provided for specific supplemental appropriation in the amount of \$27,446,245.00 for various purposes,

WHEREAS, pursuant to Section 910 of the Home Rule Charter, every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered,

WHEREAS, pursuant to Section 909 (D) of the Home Rule Charter, at any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency; and, upon written request by the Mayor, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another,

WHEREAS, pursuant to Section 1502.33 of the First Class Township Code, Council may create and maintain a separate capital reserve fund for anticipated legal capital expenditures;

WHEREAS, pursuant to Section 1502.33 of the First Class Township Code, the capital reserve fund shall be designated for a specific purpose or purposes when created;

WHEREAS, pursuant to Section 1502.33 of the First Class Township Code, money in the fund shall be used for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the township as specified at the time of the creation of the fund and for no other purpose unless the commissioners by a four-fifths vote declare that the original purpose or

purposes have become impracticable, inadvisable or impossible, or that conditions in the township make other capital expenditures more urgent than those for which the fund was created;

WHEREAS, pursuant to Section 1502.33 of the First Class Township Code, Council may appropriate money from the general Township fund to be paid into the capital reserve fund,

WHEREAS, by written request, the Mayor expressed a desire to transfer the remaining balance of the supplemental appropriations contained within Ordinances Nos. 3119-3123, and 3137-3139, and 3144 to the 2024 Budget as Revenue Replacement,

WHEREAS, on June 26, 2024, the Council of the Township of Upper Darby approved reallocation of the remaining balance of the supplemental appropriations contained within Ordinances Nos. 3119-3123, and 3137-3139, and 3144, in the total amount of \$13,357,478.82 to the 2024 Budget as Revenue Replacement,

WHEREAS, on August 21, 2024, by Ordinance No. 3165 the Council of the Township of Upper Darby approved allocating \$290,694.00 in unallocated ARPA funds to the 2024 Budget as Revenue Replacement,

WHEREAS, there now exist surplus revenue in excess of the estimated revenue in the 2024 budget, which has been certified by the Chief Administrative Officer to be in the amount of \$13,648,172.82; and,

WHEREAS, the Council of the Township of Upper Darby desires to transfer the \$13,648,172.82 surplus from the 2024 Budget to the Capital Reserve Fund; and,

WHEREAS, the Council of the Township of Upper Darby desires to appropriate \$3,767,108.42 of the Capital Reserve Fund monies for Business Infrastructure Revitalization for the benefit of local businesses within the Township; and,

WHEREAS, the Council of the Township of Upper Darby desires to appropriate \$250,000.00 of the Capital Reserve Fund monies for Renovations to the Watkins Center.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Upper Darby, as follows:

SECTION 1. There is hereby established a Capital Reserve Fund designated for the purpose of construction, purchase or replacement of or addition to Township buildings, equipment, machinery, motor vehicles or other capital assets of the township.

SECTION 2. The 2024 Budget surplus of \$13,648,172.82 shall be transferred to the Capital Reserve Fund.

SECTION 3. \$3,767,108.42 of the Capital Reserve Fund monies shall be appropriated for Business Infrastructure Revitalization for the benefit of local businesses within the Township.

SECTION 4. \$250,000.00 of the Capital Reserve Fund monies shall be appropriated for Renovations to the Watkins Center.

SECTION 5. If any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

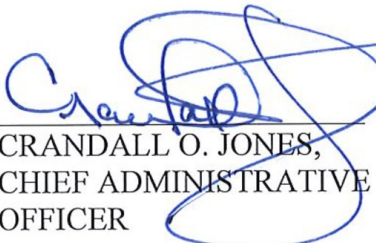

SECTION 6. All ordinances or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 7. This ordinance shall become effective immediately.

ENACTED and ORDAINED this 21th day of August 2024.

ATTEST:  BY: 
MICHELLE BILLUPS HAFIZ TUNIS, JR.
SECRETARY OF COUNCIL PRESIDENT OF
COUNCIL

Ordinance No. 3167 is APPROVED this 21st day of August 2024.

ATTEST:  
CRANDALL O. JONES, EDWARD BROWN, MAYOR
CHIEF ADMINISTRATIVE
OFFICER