

ORDINANCE NO. 2016-2

AN ORDINANCE OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, ADOPTING THE ARTICLES OF AGREEMENT AMONG THE MEMBER LOCAL GOVERNMENTS OF CARBON COUNTY, PENNSYLVANIA IN ACCORDANCE WITH THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW, 53 Pa.C.S.A. § 2301 et seq.

WHEREAS, Section 2304 of the Intergovernmental Cooperation Law promulgates that a municipality by act of its governing body may cooperate or agree in the exercise of any function, power or responsibility with or delegate or transfer any function, power or responsibility to one or more other local governments, the Federal Government or any other state or its government, and,

WHEREAS, Section 2305 of the Intergovernmental Cooperation Law allows that a local government may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to another governmental unit or local government upon the passage of an ordinance by its governing body; and

WHEREAS, various local governments located in Carbon County, Pennsylvania seek to establish a council of governments to provide a means of communication, cooperation and joint action in the interest of the local governments individually and collectively; and,

WHEREAS, each local government wishes to authorize the other to take actions necessary for operation of this council of governments; and,

WHEREAS, the respective local governments have acted and intend to act pursuant to Article 9, Section 5, of the Pennsylvania Constitution and 53 Pa. C. S. § 2303, et seq., providing for intergovernmental cooperation; and,

WHEREAS, Section 2307 of the Intergovernmental Cooperation Law states that the ordinance adopted by the governing body of a local government entering into intergovernmental cooperation or delegating or transferring any functions, powers or responsibilities to another local government or to a council of governments, consortium or any other similar entity shall specify:

- (1) The conditions of agreement in the case of cooperation with or delegation to other local governments, the Commonwealth, other states or the Federal Government.

- (2) The duration of the term of the agreement.
- (3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
- (4) The manner and extent of financing the agreement.
- (5) The organizational structure necessary to implement the agreement.
- (6) The manner in which real or personal property shall be acquired, managed, licensed or disposed of.
- (7) That the entity created under this section shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

WHEREAS, the Borough of Nesquehoning wishes to enter into the Carbon County Council of Governments (CCCOG) by adopting the Articles of Agreement Among the Member Local Governments of Carbon County in accordance with the PICL.

NOW THEREFORE, be it hereby enacted and ordained by the Borough of Nesquehoning as follows:

#### **SECTION ONE: INCORPORATION OF PREAMBLE**

The provisions set forth above in the preamble to this Ordinance are incorporated herein by reference in their entirety.

#### **SECTION TWO: CONDITIONS OF AGREEMENT**

The Borough of Nesquehoning does by this Ordinance join the Carbon County Council of Governments subject to the following conditions:

1. That the Local Government is hereby authorized to enter into intergovernmental cooperation agreements relating to CCCOG pursuant 53 Pa.C.S.A § 2301 et seq.
2. That the President/Chairman and Secretary of said Local Government are authorized to sign intergovernmental cooperation agreements.
3. That the Articles of Agreement of the Carbon County Council of Governments shall contain provisions complying with the terms as set forth in sections 3 through 9 of this Ordinance.

4. That each of the Local Governments of Carbon County, Pennsylvania that may join and become a member of the Carbon County Council of Governments do so in accordance with the Articles of Agreement, agreed upon By-Laws of the Council of Governments, and any other laws, agreements or contracts which apply.

### **SECTION THREE: DURATION**

The duration and term of CCCOG membership is indefinite, but is subject to the right of withdrawal upon thirty (30) days written notice to CCCOG, or potential termination as set forth in the Articles of Agreement.

### **SECTION FOUR: PURPOSE & OBJECTIVES**

The CCCOG is to meet at regular intervals to foster a cooperative effort to resolve regional problems, to determine policies, and to formulate plans and programs to meet regional needs; further, that the CCCOG shall assist the participating member local governments individually or collectively to execute their governmental responsibilities in as effective and responsible a manner as possible; further, that the CCCOG shall undertake such other projects related to local governments, subject to the Articles of Agreements.

### **SECTION FIVE: MEMBERSHIP**

The governing body of each member shall appoint one (1) elected or appointed official from each local government to serve as its designated voting representative to the CCCOG. Additionally each member of the local government may appoint an alternate representative. Only one (1) representative from each local government will be permitted to vote at any given time. The representatives from each member local government shall be appointed by the local government in accordance with each local government's ordinance.

### **SECTION SIX: ORGANIZATIONAL STRUCTURE**

The officers of the CCCOG shall be a Chair, Vice-Chair, Secretary and Treasurer appointed through the process as outlined in the Articles of Agreement.

## **SECTION SEVEN: REAL OR PERSONAL PROPERTY**

All property, real or personal, of the CCCOG shall be acquired, managed, licensed or disposed of by the CCCOG in accordance with the terms of the Agreement and the rules and procedures as may be adopted by the CCCOG.

## **SECTION EIGHT: CONTRACTS**

That the CCCOG shall be empowered to enter into contract/professional services, subject to the Agreement; and to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

## **SECTION NINE: MANNER AND EXTENT OF FINANCING**

That the CCCOG be financed by annual dues paid by participating member local governments and by funds obtained by the organization from grants or public or private sources.

## **SECTION TEN: BY LAWS**

That member local governments of the CCCOG agree to be bound not only to the Articles of Agreement establishing the CCCOG, but also agree to the formulation of any by-laws created for the operation of the CCCOG, subject to any necessary approval of the members of the local governments as stated in the Articles of Agreement.

## **SECTION ELEVEN: SEVERABILITY**

The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Local Government that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION TWELVE: EFFECTIVE DATE**

This Ordinance shall take effect on the thirtieth (30<sup>th</sup>) day following its enactment.

**SECTION THIRTEEN: REPEALER**

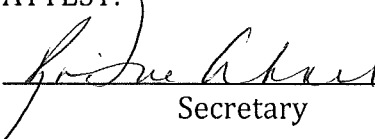
Any Resolution or Ordinance or parts thereof that conflict with, or are inconsistent with, this Ordinance are hereby repealed to the extent of the conflict or inconsistency with this Ordinance.

ADOPTED this 27<sup>th</sup> day of April, 2016.

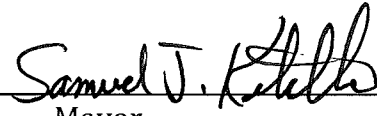
BOROUGH OF NESQUEHONING

BY:   
Council President

ATTEST:

  
Secretary

APPROVED this 27<sup>th</sup> day of April, 2016.

  
Mayor