

**ORDINANCE**

**An Ordinance of West Wyoming Borough adopting the Articles of Agreement Among the Members Municipalities of the West Side and Surrounding Areas in accordance with the Pennsylvania Intergovernmental Cooperation Law, Act 177 of 1996, previously adopted as Act 180 of 1972.**

**WHEREAS**, Section 2304 of the Intergovernmental Cooperation Law promulgate municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, 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 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 municipalities comprising the West Side Communities of Luzerne, County, Pennsylvania seek to establish a municipal council of governments to provide a means of communication, cooperation and joint action in the interest of the municipalities individually and collectively ; and

**WHEREAS**, each municipality wishes to authorize the other to take actions necessary for operation of this municipal council of governments; and

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

**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**, West WyomingBorough wishes to enter into the West Side Council of Governments (WSCOG) by adopting the Articles of Agreement Among the Members Municipalities of the West Side and Surrounding Areas in accordance with the PCIL.

**NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED BY THE West Wyoming Borough 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**

That each of the Municipalities of the West Side and Surrounding Areas join and be a member of the West Side Council of Governments ("WCOG") 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 WSCOG membership are indefinite, but is subject to the right of withdrawal and potential termination as set forth in the Articles of Agreement.

**SECTION FOUR: Purpose**

The WSCOG 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 WSCOG shall assist the member municipalities individually or collectively to execute their governmental responsibilities in as effective and responsible a manner as possible; further, that the WSCOG shall undertake such other projects related to municipal governments, subject to the Articles of Agreements.

**SECTION FIVE: Organizational Structure**

The governing body of each member shall appoint one (1) elected official from each municipality to serve as its designated voting representative to the WSCOG. Additionally each member municipality may appoint an alternative representative. Only one (1) representative from each member municipality will be permitted to vote at any given time. The representatives from each member municipality shall be appointed by the municipality in accordance with each municipality's ordinance. The officers of the WSCOG shall be a Chair, Vice-Chair, Secretary and Treasurer appointed through process as outlined in the Articles of Agreement.

**SECTION SIX: Real or Personal Property**

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

**SECTION SEVEN: Contracts**

That the WSCOG shall be empowered to enter into contract for 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 EIGHT: Manner and Extent of Financing**

That the WSCOG be financed by annual dues paid by member municipalities and by funds obtained by the organization from public or private sources.

**SECTION NINE: By Laws**

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

**SECTION TEN: Severability**

The provisions of this Ordinance are severable and if any section, sentence, clause, or 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 [Township][Borough] that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

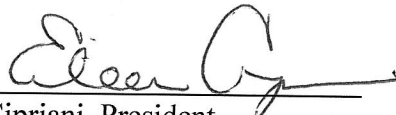
**SECTION ELEVEN. Effective Date.**

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

**SECTION TWELVE. 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.

Enacted by West Wyoming Borough, on this 23<sup>th</sup> day of July, 2013.

  
Eileen Cipriani, President

  
Gary Stavish Vice-President

Attest:

  
Maureen Zaboski, Secretary

