

ORDINANCE NO. 98-4

AN ORDINANCE AUTHORIZING THE BOROUGH OF NEW BERLIN TO JOIN WITH OTHER LOCAL GOVERNMENT UNITS AS A MEMBER OF THE PENNSYLVANIA INTERGOVERNMENTAL RISK MANAGEMENT ASSOCIATION (THE "ASSOCIATION") FOR THE PURPOSE OF ENTERING INTO AN INTERGOVERNMENTAL CONTRACT TO FORM A LOCAL GOVERNMENT RISK POOL, TO PROVIDE FOR JOINT OR COOPERATIVE ACTION BY MEMBERS RELATIVE TO THEIR FINANCIAL AND ADMINISTRATIVE RESOURCES FOR THE PURPOSE OF PROVIDING RISK MANAGEMENT SERVICES AND RISK-SHARING FACILITIES TO THE MEMBERS AND TO THE MEMBERS' EMPLOYEES, AND TO DEFEND AND PROTECT, IN ACCORDANCE WITH THIS AGREEMENT, ANY MEMBER OF THE POOL AGAINST LIABILITIES OUTLINED IN THE APPENDIX TO THE INTERGOVERNMENTAL CONTRACT.

WHEREAS, the Association was formed in accordance with the authorization contained in the Intergovernmental Cooperation Act (1972 P.L. 762 No. 180), initially by the Borough of Bath and Township of Moore; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joining cooperation agreement shall be deemed in force as to any municipality, when the same has been adopted by ordinance by all cooperating municipalities;

NOW THEREFORE, IT SHALL BE ORDAINED as follows:

Section 1. This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a Member of the Association and entering into the Intergovernmental Contract which was adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was adopted.

Section 2. This municipality is authorized to enter into the Intergovernmental Contract for the purposes contained therein, as well as any amendments or modifications thereto as the same may be required from time to time. These actions are to be taken by the member(s) or employee(s) of this municipality designated for this purpose, pursuant to general or specific instructions by the governing body adopting this Ordinance.

Section 3. The Association is designated as having official custody of this municipality's funds which are invested by Association pursuant to the terms of the Intergovernmental Contract.

Section 4. As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

(a) The conditions of the agreement are set forth in the Intergovernmental Contract referred to in Section 1;

(b) This municipality's participation in the Association shall be terminable at any time by ordinance;

(c) The purposes and objectives of the agreement are set forth hereinabove and the Intergovernmental Contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation;

(d) It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this municipality's Basis Rate (as such term is defined in the Intergovernmental Contract) to the Association.

(e) The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the By-Laws of said Association, a copy of which has been provided for review in connection with the adoption of this Ordinance;

(f) All property, real and personal, shall be acquired, managed or disposed of by the Association in accordance with the terms of the Intergovernmental Contract.

Section 5. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED as an Ordinance of the Borough of New Berlin, Union County, Pennsylvania, this 8th day of April, 1998.

BOROUGH OF NEW BERLIN

BY Matt J. Shivers
PRESIDENT

ATTEST:

Alvin D. Zimmerman
SECRETARY

APPROVED as an Ordinance this 8th day of April, 1998.

Charles P. Ritter
Mayor