

Chapter 36

INTERMUNICIPAL AGREEMENTS

[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Greater Pottsville Area Sewer Authority — See Ch. 9, Art. I. Cooperative police agreement — See Ch. 54, Art. III.

ARTICLE I
Police Communications System
[Adopted 7-6-1976 by Ord. No. 252-1976]

§ 36-1. Cooperative agreement.

The Borough of Port Carbon shall hereby enter into a cooperative agreement with the County of Schuylkill and various other municipalities within said county for the installation and maintenance of a police communications system for the police forces of said county.

§ 36-2. Duration of agreement; renewals.

The agreement shall be for a term ending December 31, 1986, and may be renewed for additional terms of 10 years each unless, prior to July 1, 1986, written notice shall be given by either party to terminate said agreement.

§ 36-3. Purpose.

The purpose and objectives of the agreement are to install a police communications system in order to improve the operations of the law enforcement agencies within the county.

§ 36-4. Initial financial contribution; maintenance of equipment.

The County of Schuylkill shall make the initial financial contribution for the purchase of the equipment for said system. The Borough of Port Carbon shall maintain, repair and replace the items of equipment furnished to said Borough during the term of said agreement or any renewal thereof.

§ 36-5. Board of Managers.

A Board of Managers shall be appointed, one person to be appointed by the county and one by the governing body of each of the municipalities joining in said system, which shall hereafter manage the communications system.

ARTICLE II
Local Government Investment Trust
[Adopted 10-13-1981 by Ord. No. 300-1981]

§ 36-6. Agreement to join.

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a settlor of the Pennsylvania Local Government Investment Trust (the Trust) and entering into the Declaration of Trust, which is 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 article was adopted.

§ 36-7. Authorization to purchase and redeem shares.

This municipality is authorized to purchase shares in the Trust from time to time with available municipal funds and to redeem some or all of those shares from time to time as funds are needed for municipal purposes. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by the governing body adopting this article.

§ 36-8. Trustees designated custodians of municipal funds.

The Trustees of the Trust are designated as having official custody of this municipality's funds, which are invested by the purchase of shares in the Trust.

§ 36-9. Specific findings and determinations.

As required by the Intergovernmental Cooperation Act,¹ the following matters are specifically found and determined:

- A. The conditions of the agreement are set forth in the Declaration of Trust referred to in § 36-6;
- B. This municipality's participation in the Trust shall be terminable at any time by ordinance;
- C. The Declaration of Trust and the purchase of its shares are for the purpose of investing this municipality's funds in obligations which are otherwise legal investments as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of pooled investments;
- D. It is not necessary to finance the agreement authorized herein from municipal funds except through the purchase of shares in the Trust;
- E. The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and by the bylaws provided for therein; and
- F. Shares may be purchased and redeemed from time to time as this municipality may determine to be necessary or appropriate to meet its cash investment requirements.

1. Editor's Note: See 53 Pa.C.S.A. § 2301 et seq.

ARTICLE III
Drug Task Force
[Adopted 9-11-1990 by Ord. No. 1-1990]

§ 36-10. Intent to participate.

The Borough of Port Carbon has evidenced its intent to participate in the Municipal Drug Task Force activities in cooperation with the Commonwealth's Office of Attorney General designed to interdict the illegal use and trafficking of narcotics and other illegal drugs within its municipal boundaries as well as within the boundaries of nearby communities.

§ 36-11. Included activities.

This agreement may include intergovernmental cooperative activities with adjacent and nearby municipal governments as part of a regional effort to interdict illegal drug activities.

§ 36-12. Use of police force.

The Borough of Port Carbon shall utilize the services of its police force, both full-time as well as part-time, under the conditions set forth in the Agreement and in compliance with the Municipal Police Jurisdiction Act, 42 Pa.C.S.A. § 8953.

§ 36-13. Procedures to be established.

The Borough of Port Carbon shall establish, pursuant to the terms of the agreement which is attached hereto and incorporated as a part of this article,² appropriate procedures to comply with all relevant provisions of the agreement and relevant regulations, direction, and guidance from the Office of the Attorney General.

§ 36-14. Term of agreement.

The term of the agreement shall commence on June 12, 1990, and may be terminated at any time upon 30 days' written notice.

§ 36-15. Purpose and objectives.

The purpose and objectives of the agreement include region-wide coordination of municipal police activities in an effort to combat illegal narcotics and drug trafficking.

§ 36-16. Funding.

The agreement shall be financed with the assistance of funds supplied by the Office of the Attorney General of the Commonwealth of Pennsylvania.

§ 36-17. Guidance for organization and operation.

The organizational structure necessary to implement the terms of this agreement shall be

2. Editor's Note: Said agreement is on file and available for inspection in the Borough office.

covered by directives, procedures, and guidance from the Office of the Attorney General and other area police departments.

§ 36-18. Disposition and management of property.

All property, real or personal, acquired, managed or disposed of pursuant to this agreement shall be in accordance with both the terms of the agreement as well as the directives, procedures, and guidance of the Office of the Attorney General.

§ 36-19. Municipal responsibility.

The municipality shall retain responsibility for the management, control and direction of its employees with assistance, financial or otherwise, from the Office of the Attorney General.

§ 36-20. When effective.

The effective date of this article shall be the 11th day of September 1990.

ARTICLE IV
Risk Management
[Adopted 8-28-1991 by Ord. No. 1-1991]

§ 36-21. Contract for membership.

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a member of the Pennsylvania Intergovernmental Risk Management 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 article was adopted.³

§ 36-22. Authorization.

This municipality is authorized to enter into the intergovernmental contract for the purposes contained therein. 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 article.

§ 36-23. Custodian of municipal funds.

The Association is designated as having official custody of this municipality's funds, which are invested by the Association pursuant to the terms of the intergovernmental contract.

§ 36-24. Findings and determinations.

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 § 36-21;
- 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 bylaws of said Association, a copy of which has been provided for review in connection with the adoption of this article.

3. Editor's Note: Said contract is on file and available for inspection in the Borough office.

- F. All property, real or personal, shall be acquired, managed or disposed of by the Association in accordance with the terms of the intergovernmental contract.