

ORDINANCE NO. 48

AN ORDINANCE OF THE TOWNSHIP OF GERMANY, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO INTERGOVERNMENTAL COOPERATION AGREEMENTS WITH UNION TOWNSHIP AND MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, WHICH AGREEMENTS SHALL PROVIDE FOR THE SHARING OF ROAD MAINTENANCE EQUIPMENT AND SERVICES AND WHICH SHALL INCLUDE PROVISIONS TO PERMIT GERMANY TOWNSHIP EMPLOYEES TO USE SUCH EQUIPMENT AND PERFORM SUCH SERVICES IN UNION TOWNSHIP AND MOUNT JOY TOWNSHIP RESPECTIVELY, AND TO PERMIT UNION TOWNSHIP AND MOUNT JOY TOWNSHIP EMPLOYEES RESPECTIVELY TO USE SUCH EQUIPMENT AND PERFORM SUCH SERVICES IN GERMANY TOWNSHIP; TO ESTABLISH REIMBURSEMENT RATES FOR THE USE OF SUCH EQUIPMENT AND PERFORMANCE OF SUCH SERVICES BY ONE TOWNSHIP WITHIN THE BOUNDARIES OF THE OTHER TOWNSHIP; TO ESTABLISH RESPONSIBILITY FOR THE PURCHASE OF MATERIALS, COMPLIANCE WITH RULES, REGULATIONS, LAWS, STATUTES AND ORDINANCES, AND THE MAINTENANCE OF CASUALTY, LIABILITY AND UNEMPLOYMENT AND WORKER'S COMPENSATION INSURANCE COVERAGE; TO ESTABLISH RECORD KEEPING RESPONSIBILITIES; AND TO ESTABLISH DISPUTE RESOLUTION PROCEDURES.

WHEREAS, pursuant to the Intergovernmental Cooperation Act (Act of December 19, 1996, P.L. 1158, No. 177, et seq., 53 Pa.C.S.A. §2301, et seq.) a local government may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to one or more other local governments upon the passage of an ordinance by its governing body; and

WHEREAS, the Board of Supervisors has determined that collaboration with Union Township and Mount Joy Township in the sharing of equipment and personnel to perform road maintenance and related services will improve efficiency, improve quality of service and have the potential to save money for the Township; and

WHEREAS, Union Township, Mount Joy Township and Germany Township have identified certain equipment and services which are potentially conducive to a collaborative or sharing effort through independent intermunicipal agreements; and

WHEREAS, the Board of Supervisors desire to enter into independent Intermunicipal Cooperative or Shared Services Agreements for Road Maintenance Services with Union Township and Mount Joy Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Germany Township, Adams County, Pennsylvania, by virtue of the power and authority vested in the same, as follows:

1. The Board of Supervisors shall enter into Independent Intermunicipal Cooperative or Shared Services Agreements for Road Maintenance Services (hereinafter the "Agreements") with Union Township and Mount Joy Township, the terms of which are incorporated herein by reference.

2. The term of each of the Agreements shall be for a period of one year, subject to automatic one year renewals thereof and also subject to the right of termination by either Township upon 45 days written notice to the other Township.

3. The purposes and objectives of the Agreements are to eliminate duplicative services and to increase municipal efficiency, reduce costs and improve effectiveness of road repair, mowing, maintenance, plowing and other operations. Pursuant thereto, each Township shall furnish and make available to the other certain enumerated equipment with an operator to perform the shared services.

4. Each Township shall be responsible for purchase of materials used and the securing of all required consents and approvals of County, State and Federal agencies for the performance of work within its boundaries.

5. Each Township shall be responsible for compliance with applicable safety rules, regulations, laws, statutes and ordinances which pertain to its performance of work in the other Township.

6. It is not anticipated that new equipment, vehicles or machinery shall be acquired by the Townships but, rather, that existing items or items otherwise subsequently acquired by a Township will be available, with an operator, to provide services in the other Township.

7. Reimbursement for services rendered by one Township in the other Township shall be in accordance with the valuation schedules attached to the Agreement. Each Township shall maintain records as indicated in the Agreement. Annual adjustments and/or reimbursements shall be made in order to account for discrepancies in usage of shared equipment and services.

8. No new entity or organization shall be created in order to implement the Agreements, as same will be administered by the respective Township roadmasters and other existing staff and, ultimately, the Boards of Supervisors of each Township.

9. The provisions of the Ordinance are severable and should any of its provisions be determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

10. The effective date of this Ordinance shall be _____, 20__.

ATTEST:

GERMANY TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman

Enacted and ordained the ____ day of _____, 20__.