

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 163 (Amending Ordinance #161)

**ORDINANCE AUTHORIZING THE PARTICIPATION OF
WESTFALL TOWNSHIP IN THE PSATS UNEMPLOYMENT
COMPENSATION GROUP TRUST AND THE PENNSYLVANIA
TOWNSHIPS HEALTH INSURANCE COOPERATIVE TRUST
PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL
COOPERATION LAW**

WHEREAS, the PSATS Unemployment Compensation Group Trust (“UC Trust”), originally established in 1980, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers of Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and maintain unemployment compensation insurance coverage; and

WHEREAS, the governing Declaration and Agreement of Trust for the Trust has been comprehensively updated, amended and restated effective July 16, 2014 (hereinafter “Restated UC Trust Agreement”); and

WHEREAS, pursuant to the Restated UC Trust Agreement any municipality wishing to commence participation in the UC Trust, or continue participation in the UC Trust after July 16, 2014, is required to take formal action in the form of an enacted ordinance in which the municipality agrees to participate in the UC Trust in accordance with the amended and updated terms of the Restated UC Trust Agreement; and

WHEREAS, Pennsylvania Townships Health Insurance Cooperative Trust (“Health Trust”), formerly known as the “Board of Trustees Insurance Fund,” as referred to in the authorizing statute for the Pennsylvania State Association of Township Supervisors, 53 P.S. § 664606(j)(2), or, more commonly, the “Trustees Insurance Fund,” originally established in 1966, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers in Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop, administer, and make available cost-effective medical, prescription, dental, life, disability and/or other employee welfare benefit insurance or self-insured programs for their employees; and

WHEREAS, the governing Declaration and Agreement of Trust for the Health Trust has been comprehensively updated, amended and restated effective October 15, 2014 (hereinafter “Restated Health Trust Agreement”); and

WHEREAS, pursuant to the Restated Health Trust Agreement any municipality wishing to commence participation in the Health Trust, or continue participation in the Health Trust after October 15, 2014, is required to take formal action in the form of an enacted ordinance in which the municipality agrees to participate in the Health Trust in accordance with the amended and updated terms of the Restated Health Trust Agreement; and

WHEREAS, the UC Trust and Health Trust, shall be referred to collectively herein as “the Trusts” and the agreements as the “Restated Trust Agreements”;

WHEREAS, Westfall Township, (“the Township”) has determined that it is in the best interest of the Township to participate in the Trusts in accordance with the terms of the Restated Trust Agreements and to agree to and join in such Restated Trust Agreements; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 et seq., a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

The Board of Supervisors of Westfall Township, Pike County, Pennsylvania does hereby **ENACT** and **ORDAIN**:

Section 1. That the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to adopt the Restated Trust Agreements and any other agreements necessary for the Township’s participation in the Trusts.

The Restated Trust Agreements are on file for inspection and review at the Township’s offices at 102 La Barr Lane, Matamoras, PA 18336. The Restated Trust Agreements may be subsequently modified or amended in accordance with their terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trusts. The Township may withdraw from the Trusts in accordance with the Restated Trust Agreements, including if the Board of Supervisors determines the modifications or amendments are not in the best interest of the Township.

Section 2. That the participation of the Township in the Trusts is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance and health insurance for Participating Employers at reasonable cost.

Section 3. That, as set forth in greater detail in the Restated Trust Agreements and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trusts:

1. That each Participating Employer must meet the admission and eligibility requirements set forth therein;
2. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreements or as otherwise established by the Board of Trustees; and

3. That each Participating Employer complies with all other conditions of the Restated Trust Agreements.

Section 4. That the Township agrees to participate in the Trusts and may withdraw for any reason and in accordance with the Restated Trust Agreements provided that it has fulfilled all its financial obligations to the Trusts upon withdrawal.

Section 5. That the effective date of the Township's agreement to and joinder in the Restated Trust Agreements and the participation of the township in the Trusts pursuant to the terms of the Restated Trust Agreements will be July 16, 2014.

Section 6. That each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

Section 7. That the organizational structure of the Trusts shall consist of a Board of Trustees. Under the Restated Trust Agreements, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trusts.

Section 8. That the funds required for the operation of the Trusts shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

Section 9. That the Trusts are empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trusts, if any.

Section 10. That as a condition of participating in the Trusts, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreements.

Section 11. That the Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trusts.

Section 12. The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the attached Restated Trust Agreements and any duly adopted amendments thereto.

Section 13. The duration of the term of the Township's participation in the Trusts and obligations under the Restated Trust Agreements shall continue until withdrawal from the Trusts by the Township in accordance with the terms of the Restated Trust Agreements.

Section 14. The Board of Supervisors hereby specifically finds and determines as follows:

1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreements incorporated by reference herein.

2. The Township shall participate in the Trusts in accordance with the Restated Trust Agreements until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreements.

3. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreements.

4. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.

5. The Trusts shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreements.

6. All assets and property, real or personal, of the Trusts shall be titled to, acquired, managed, licensed or disposed of by the Trusts, and their Board of Trustees, in accordance with the terms of the Restated Trust Agreements.

7. The Trusts in accordance with the Restated Trust Agreements shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.

Section 15. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Governing Body that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Governing Body that this Ordinance would have been enacted if any provisions subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

Section 16. Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.


Section 17. This Ordinance shall become effective five (5) days after its enactment.

This Ordinance is being enacted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180, as amended, 53 Pa.C.S. §§ 2301, et seq.

ENACTED and ORDAINED this 6th day of April, 2015.

**BOARD OF SUPERVISORS OF
WESTFALL TOWNSHIP**



Chairman


Vice Chairman





ATTEST:


Secretary