

WEST PENNSBORO TOWNSHIP

ORDINANCE NO. #2010-08

AN ORDINANCE AUTHORIZING WEST PENNSBORO TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA TO JOIN WITH OTHER POLITICAL SUBDIVISIONS AS A MEMBER OF THE PENNSYLVANIA MUNICIPAL HEALTH INSURANCE COOPERATIVE (PMHIC), TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF JOINING THE PMHIC AND TO PARTICIPATE AS A MEMBER OF THE PMHIC.

WHEREAS, a number of political subdivisions within Pennsylvania, have investigated whether it would be mutually beneficial to cooperate with each other in obtaining employee benefit insurance; and

WHEREAS, a plan has been presented to establish the Pennsylvania Municipal Health Insurance Cooperative (the "PMHIC") for the purpose of collectively purchasing employee benefits insurance; and

WHEREAS, PMHIC will be established pursuant to an intergovernmental cooperation agreement entitled the Pennsylvania Municipal Health Insurance Cooperative Agreement ("the Agreement"); and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. Section 481 et seq., a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the West Pennsboro Township Board of Supervisors as follows:

SECTION 1: The caption and preamble of this Ordinance set forth above are incorporated herein by reference.

SECTION 2: The Township hereby approves entering into the Agreement, a copy of which is attached hereto and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that West Pennsboro Township shall be bound by the Agreement

SECTION 3: The Chairman or Vice-Chairman of the Township, together with the Manager, are hereby authorized and directed on behalf of the Township, (i) to execute and deliver the Agreement, and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including payment to the PMHIC of such amounts as are due by the Political Subdivision pursuant to the Agreement.

SECTION 4: All actions of any officer, agent or other representative of the Township heretofore taken in the pursuit of the establishment of the PMHIC and/or the Township's participation therein, are hereby ratified and approved in all respects.

SECTION 5: The Township Supervisors hereby authorize such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

SECTION 6: As required by the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:

(a) The conditions of the Agreement are set forth in the Agreement.

(b) This Township shall participate in the PMHIC for an initial term of three (3) years from the date that they first elected to purchase benefits through PMHIC. Thereafter, termination of the Agreement shall be as further set forth therein.

(c) The purpose and objectives of the Agreement are as set forth in the preamble of this Ordinance and in the Agreement.

(d) The manner and extent of financing the Agreement are that (i) no borrowing will be required by the Township, (ii) funds to implement the Township's Political obligations under the Agreement shall come from normal and usual budgeted amounts for such matters, and (iii) other provisions governing the manner and extent of the financing of the PMHIC shall be as set forth in the Agreement;

(e) The PMHIC shall be managed by its Board of Directors pursuant to the terms of the Agreement.

(f) All property, real or personal, of the PMHIC, shall be acquired, managed, licensed or disposed of by the PMHIC in accordance with the terms of the Agreement.

(g) The PMHIC created by the Agreement shall be empowered to enter into contracts for policies of group insurance and employee benefits pursuant to the terms of the Agreement.


SECTION 7: 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 that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

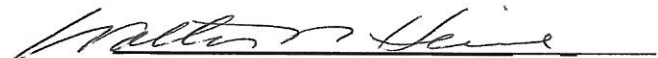
SECTION 8: Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.

SECTION 9: This Ordinance shall become effective immediately upon the date of enactment hereof.


DULY ORDAINED AND ENACTED this 24th day of January, 2011, by the Board of Supervisors of West Pennsboro Township, Cumberland County, Pennsylvania.

**WEST PENNSBORO TOWNSHIP
CUMBERLAND COUNTRY, PENNSYLVANIA**

Attest: 
Secretary


Walter N. Heine, Chairman


Donald S. Agar, Vice-Chairman


Richard E. Adler, Supervisor



CERTIFICATE

I, the undersigned, Secretary of the Township of West Pennsboro, Cumberland County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on November 27, 2010, that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published on January 10, 2011, as required by law in a newspaper of general circulation in the Township; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the meeting at which the Board of Supervisors of the Township adopted said Ordinance was a public meeting duly held after giving public notice of the date, time and place of such meeting by posting, publishing and mailing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 34th day of January, 2011.

Secretary

Devin M. Swaney

