

**DICKINSON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-01

**ORDINANCE AUTHORIZING THE PARTICIPATION OF
DICKINSON TOWNSHIP IN THE PSATS UNEMPLOYMENT COMPENSATION
GROUP TRUST**

WHEREAS, the PSATS Unemployment Compensation Group 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 Trust Agreement); and

WHEREAS, pursuant to the Restated Trust Agreement any municipality wishing to commence participation in the Trust, or continue participation in the 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 Trust in accordance with the amended and updated terms of the Restated Trust Agreement; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 52 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; and

WHEREAS, Dickinson Township has determined that it is in the best interest of the Township to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in such Restated Trust Agreement so as to provide for unemployment compensation at a reasonable cost.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors in and for Dickinson Township, as follows:

Section 1. Purpose

The purpose of this Ordinance is to satisfy its obligations to provide unemployment compensation for its employees by joining the Trust in accordance with the terms of the Restated Trust Agreement.

Section 2. Enabling Authority

This Ordinance is enacted pursuant to the enabling authority of the pursuant to the Pennsylvania Intergovernmental Cooperation Law, 52 Pa. C.S.A. §§ 2301 *et seq.* and Section 1506 of the Second Class Township Code, 53 P.S. § 66506.

Section 3. Findings and Determinations

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

- a. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.
- b. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement.
- c. 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 Agreement.
- d. 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.

- e. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.
- f. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.
- g. The Trust in accordance with the Restated Trust Agreement 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 4. Conditions of Participation in Trust

As set forth in greater detail in the Restated Trust Agreement, the following conditions apply to the participation of the Township, as a Participating Employer, in the Trust:

- a. That each Participating Employer must meet the admission and eligibility requirements set forth therein;
- b. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
- c. That each Participating Employer complies with all other conditions of the Restated Trust Agreement.

The Township further agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

Section 5. Pooling

Participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance at reasonable cost.

Section 6. Funds; Withdrawal of Funds

- a. The funds required for the operation of the Trust shall be provided by the Township through scheduled appropriations as determined by the Board of Trustees.
- b. The Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

Section 7. Board of Trustees; Delegation to Board of Trustees

- a. The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, 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 Trust. The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.
- b. The Township delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

Section 8. Effective Date of Restated Trust Agreement

The effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be _____.

Section 9. Modifications of Restated Trust Agreement; Withdrawal

The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from

the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township. The Restated Trust Agreement shall be maintained on file for inspection and review at the Township's offices.

Section 10. Township Duties

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 Agreement and any duly adopted amendments thereto.

Section 11. Execution of Restated Trust Agreement

The Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to execute the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust. The Restated Trust Agreement shall be maintained on file for inspection and review at the Township's offices. The Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

Section 12. Duration

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

Section 13. Repealer.

All ordinances, to the extent that the same are inconsistent with the terms of this Ordinance, are repealed.

Section 14. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this

Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 15. Effective Date

This Ordinance shall become effective five days after the date of enactment.

ENACTED AND ORDAINED THIS ____ day of _____, 2015.

ATTEST:

TOWNSHIP OF DICKINSON:

Denise Gembusia, Secretary

By: _____
Robert Wrightstone, Chairman

(Seal)

By: _____
J.R. Barrett, Vice-chairman

By: _____
Jonathan Reisinger, Supervisor

PUBLIC HEARING DRAFT