

**ORDINANCE NO. 3 OF 2019**

**An Ordinance of the Borough of Plymouth, County of Luzerne, Commonwealth of Pennsylvania withdrawing from the Articles of Agreement Among the Members Municipalities of the West Side and Surrounding Areas in accordance with the Pennsylvania Intergovernmental Cooperation Law, Act 177 of 1996, previously adopted as Act 180 of 1972.**

**WHEREAS**, Section 2304 of the Intergovernmental Cooperation Law promulgate municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with or delegate or transfer any function, power or responsibility to one or more other local governments, the Federal Government or any other state or its government; and

**WHEREAS**, Section 2305 of the Intergovernmental Cooperation Law allows a local government may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to another governmental unit or local government upon the passage of an ordinance by its governing body; and

**WHEREAS**, various municipalities comprising the West Side Communities of Luzerne County, Pennsylvania seek to establish a municipal council of governments to provide a means of communication, cooperation and joint action in the interest of the municipalities individually and collectively; and

**WHEREAS**, each municipality wishes to authorize the other to take actions necessary for operation of this municipal council of governments; and

**WHEREAS**, the respective municipalities have acted and intend to act pursuant to Article M, Section 5, of the Pennsylvania Constitution and 53 Pa. C. S. § 2303, et seq., providing intergovernmental cooperation.

**WHEREAS**, Section 2307 of the Intergovernmental Cooperation Law states that the ordinance adopted by the governing body of a local government entering into intergovernmental cooperation or delegating or transferring any functions, powers or responsibilities to another local government or to a council of governments, consortium or any other similar entity shall specify:

- (1) The conditions of agreement in the case of cooperation with or delegation to other local governments, the Commonwealth, other states or the Federal Government.
- (2) The duration of the term of the agreement.
- (3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
- (4) The manner and extent of financing the agreement.
- (5) The organizational structure necessary to implement the agreement.

(6) The manner in which real or personal property shall be acquired, managed, licensed or disposed of.

(7) That the entity created under this section shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

**WHEREAS**, Plymouth Borough by Ordinance No. 3 of 2013, enacted on October 8, 2013, joined the West Side Council of Governments and has been a member since that time;

**WHEREAS**, Plymouth Borough wishes to withdraw from the West Side Council of Governments (WSCOG) by adopting this Ordinance as provided for in Article IV Membership, subsection E. Withdrawal of the Articles of Agreement of the Member Municipalities of the West Side and Surrounding Areas;

**NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED BY THE Plymouth Borough as follows:** In accordance with Article IV Membership, subsection E. Withdrawal of the Articles of Agreement of the Member Municipalities of the West Side and Surrounding Areas; the Borough Council does hereby withdraw from membership in the West Side Council of Governments (WSCOG) as per the aforementioned section of the Articles of Agreement. The effective date of the withdrawal shall be February 1, 2020, and the Borough will be responsible for any previous financial or contractual obligations for which they are obligated that arose prior to February 1, 2020. It is further adopted that a copy of this Ordinance shall be forwarded to the following current members of the West Side Council of Governments (WSCOG) to provide notice of this withdrawal to each member as per the Articles of Agreement. A copy of this Ordinance shall be provided to the current members of the WSCOG as follows: Edwardsville, Forty Fort, Kingston, Larksville, Luzerne, Swoyersville, West Pittston, West Wyoming and Wyoming.

**Effective Date**

This Ordinance shall become effective as provided for in § 3301.3 (b) of the Borough Code.

ENACTED AND ORDAINED this 8<sup>th</sup> day of January 2019 at a Regular Meeting of the Plymouth Borough Council.

**BOROUGH OF PLYMOUTH**

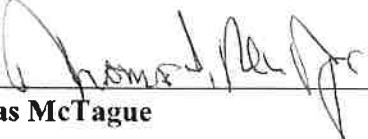
By:

  
Frank Coughlin, President of Council

**ATTEST:**

  
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Holly Spece, Secretary

**APPROVED BY THE MAYOR**

  
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Thomas McTague

Dated: 1/10/2019