DELAWARE TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 712

ORDINANCE AUTHORIZING THE PARTICIPATION OF DELAWARE TOWNSHIP IN THE PENNSYLVANIA TOWNSHIPS HEALTH INSURANCE COOPERATIVE TRUST PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW

WHEREAS, the Pennsylvania Townships Health Insurance Cooperative Trust ("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. § 66406(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 Trust has been comprehensively updated, amended and restated effective October 15, 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 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 Trust in accordance with the amended and updated terms of the Restated Trust Agreement; and

WHEREAS, Delaware Township ("the 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; 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 Delaware Township, Pike County, Pennsylvania does hereby **ENACT** and **ORDAIN**:

Section 1. That the Delaware Township Board of Supervisors adopt the Restated Trust Agreement and agree to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement and that the Chairman of the Delaware Township Board of Supervisors and Secretary of the Township are hereby authorized to sign the Restated

Trust Agreement and any other agreements necessary for the Township's participation in the Trust after the approval of the majority of the Board of Supervisors.

The Restated Trust Agreement is on file for inspection and review at the Township's offices at 116 Wilson Hill Road, Dingmans Ferry, PA 18328. 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.

Section 2. That the participation of the Township in the Trust is authorized for the purpose of obtaining high quality, cost-effective medical, prescription, dental, life, disability, vision and/or other employee welfare benefit insurance at a reasonable cost to the Township and its employees.

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

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 Agreement or as otherwise established by the Board of Trustees; and

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

Section 4. That 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 5. That 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 January 28, 2015.

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 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.

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

Section 9. That 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.

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

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 Trust.

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 Restated Trust Agreement and any duly adopted amendments thereto.

Section 13. 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 14. The Delaware Township 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 Agreement incorporated by reference herein.

2. 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 at least ninety (90) days in advance to become effective on either June 30 or December 31 of a given Plan year; or in the case of an initial year of participation in the Trust shall participate for a minimum of one (1) year.

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 Agreement.

4. The manner and extent of financing of the Restated Trust Agreement are that (i) funds to implement the Township's obligations under the Restated Trust 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 Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.

6. 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.

7. 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 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 Board of Supervisors 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 Board of Supervisors that this Ordinance would have been enacted if any provision 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 take effect five (5) days from the date of adoption.

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 28 day of January, 2015.

BOARD OF SUPERVISORS OF
DELAWARE TOWNSHIP

Chairman - Tres.

Thomas M. Ryan, Chairman/Treasurer

ATTEST:

Jeffrey Scheetz, Secretary

Jeffrey Scheetz, Vice-Chair

Robert Luciano, Supervisor