

No. 2020-07
ORDINANCE

An Ordinance of County Council of Luzerne County Entering into an Intergovernmental Agreement with Conyngham Borough for the Repair and Dedication of Road 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 (“PICL”) promulgates a 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, Luzerne County and Conyngham Borough seek to enter into an Intergovernmental Agreement for the sole purpose of Luzerne County (“the County”) repairing, at its expense, a certain road owned by the County that is located within Conyngham Borough (“the Borough”); and

WHEREAS, upon completion of such repairs by Luzerne County, the County shall dedicate the specified road to the Borough for ownership and maintenance and the Borough shall accept such dedication and responsibility of the road; 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 for intergovernmental cooperation; and

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, if applicable.

WHEREAS, Luzerne County wishes to enter into an Intergovernmental Agreement with Conyngham Borough in accordance with the PCIL.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the County Council of Luzerne County as follows:

SECTION ONE. Incorporation of Preamble.

The provisions set forth above in the preamble to this Ordinance are incorporated herein by reference in their entirety.

SECTION TWO. Conditions of Agreement

That Luzerne County and Conyngham Borough enter into such Intergovernmental Agreement, attached hereto and incorporated herein by reference, in accordance with the terms therein and any other laws which apply.

SECTION THREE: Duration

The duration and term of the Agreement shall be the length of time required by Luzerne County to repair to specification the following road located within Conyngham Borough: County Road 38, also known as Walnut Avenue. Upon completion of repair for each individual road, the County shall dedicate and the Borough shall accept such dedication of each individual road.

In addition, the Borough shall be granted an easement at a location mutually acceptable to both parties on West Foothills Drive to construct a salt shed to aid in maintenance of the aforesaid road.

SECTION FOUR: Purpose

The purpose of the Agreement is for Luzerne County to transfer ownership of and responsibility for the aforesaid road to Conyngham Borough once said road is in satisfactory condition per the terms of the Intergovernmental Agreement.

SECTION FIVE: Manner and Extent of Financing

That Luzerne County shall finance the cost of repairs, including but not limited to labor and materials to repair the subject road, through the use grant and/or County budgeted funds.

SECTION SIX: Severability

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 County of Luzerne 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 SEVEN. Effective Date.

This Ordinance shall take effect on the fifteenth (15th) day following its enactment.


SECTION EIGHT. Repealer.

Any Resolution or Ordinance or parts thereof that conflict with or are inconsistent with this Ordinance are hereby repealed to the extent of the conflict or inconsistency with this Ordinance.


ENACTED by the County Council of the County of Luzerne this 12th day of May, 2020.

ROLL CALL VOTE (11-0)

YES: Griffith, Haas, Houck, McDermott, McGinley, Perry, Radle, Saidman, Schnee, SJ Urban and Vough

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

By: 
Chris Perry, Vice-Chair