

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 - 2015

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, CONFIRMING PARTICIPATION OF MIDDLESEX TOWNSHIP IN THE PSATS UNEMPLOYMENT GROUP TRUST IN ACCORDANCE WITH THE TERMS OF A RESTATED TRUST AGREEMENT.

WHEREAS, Middlesex Township participates in the PSATS Unemployment Compensation Group Trust (the "Trust") which exists as an intergovernmental cooperative arrangement of municipalities and certain governmental employers of Pennsylvania to provide a means to pool resources and leverage buying power to develop and maintain unemployment compensation insurance coverage at a reasonable cost; and

WHEREAS, the governing Declaration and Agreement of Trust for the PSATS Unemployment Compensation Group Trust has been comprehensively updated, amended and restated effective July 16, 2014 (the "Restated Trust Agreement"); and

WHEREAS, pursuant to the provisions of Chapter 23, Subchapter A, Intergovernmental Cooperation, of the General Local Government Code, 53 Pa.C.S. §2301, et seq. ("Intergovernmental Cooperation Law"), a municipality may enter into an intergovernmental cooperation agreement upon the passage of an Ordinance by its governing body; 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, Middlesex Township, through its Board of Supervisors, has determined that it is in the best interest of Middlesex Township to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in the Restated Trust Agreement.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Middlesex Township ("the Board"), Middlesex Township, Cumberland County, Pennsylvania (the "Township") as follows:

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

2. The Board of Supervisors hereby approves entering into and does by this Ordinance enter into the Restated Trust 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 is enacted), with the intent and effect that the Township shall be bound by the Restated Trust Agreement.

3. The Chairman or Vice-Chairman of the Board, acting alone or together with the Secretary, are hereby authorized and directed on behalf of the Township, (i) to execute and deliver the Restated Trust 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 Restated Trust Agreement and the transactions to be effected under the Restated Trust Agreement, including payment to the Trust of such amounts that are due by the Township pursuant to the Restated Trust Agreement.

4. 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, if the Board determines the modifications or amendments are not in the best interests of the Township.

5. As required by the Intergovernmental Cooperation Law, the Board specifically determines and finds the following matters:

A. The conditions of the Restated Trust 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.

H. 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.

6. As set forth in more detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

A. Each Participating Employer must meet the admission and eligibility requirements set forth therein;

B. 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. Each Participating Employer complies with all other conditions of the Restated Trust Agreement.

7. 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.

8. 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 the effective date of this Ordinance.

9. Each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

10. 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.

11. 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.

12. 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.

13. 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.

14. The Secretary of the Township is directed to provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

15. The Board of Supervisors 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.

16. The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

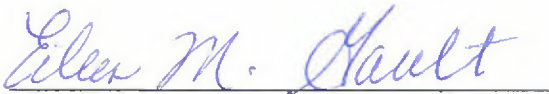
17. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.

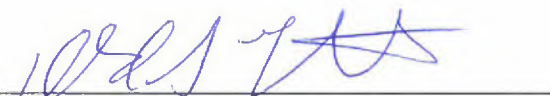
18. This Ordinance shall become effective immediately upon enactment hereof.

DULY ORDAINED AND ENACTED this 5th day of January, 2015 in public session duly assembled.

ATTEST:

TOWNSHIP OF MIDDLESEX


Secretary

By: 
Chairman, Board of Township
Supervisors

(Township Seal)

