

**BOROUGH OF SEVEN FIELDS
BUTLER COUNTY, PENNSYLVANIA
ORDINANCE NO. 73**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF SEVEN FIELDS TO
ORGANIZE A COUNCIL OF GOVERNMENTS WITH OTHER INCORPORATING
MUNICIPALITIES OF BUTLER COUNTY, PENNSYLVANIA**

WHEREAS, the Borough Council of Seven Fields Borough (hereinafter "Borough") hereby consents to joining the Butler County Council of Governments, a council of governments formed under the provisions of Act 180 for the purpose of providing various services; and

WHEREAS, The Borough Council of the Borough of Seven Fields fully supports intergovernmental cooperation as a means to provide efficient services to our residents; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Seven Fields, Butler County, Pennsylvania, as follows:

SECTION 1. ENABLING ACT.

The Borough is authorized pursuant to the authority of the Act of December 19, 1996, P.L. 1158, as amended (53 Pa.C.S. § 2301 et seq.) (hereinafter the "Act") to jointly cooperate with other local governments in the exercise or performance of their respective governmental functions, powers or responsibilities, and the Borough hereby signifies its intention and desire to organize a council of governments under the provisions of law, including but not limited to the Act. Said organization shall be known as the Butler County Council of Governments (hereinafter the "Butler County COG").

SECTION 2. MEMBERSHIP IN THE BUTLER COUNTY COG.

The Borough Council hereby consents to joining the Butler County COG, a council of governments formed under the provisions of Act 180 for the purpose of providing various services, including but not limited to, the purposes identified in the Bylaws of the Butler County COG attached hereto and incorporated herein as Exhibit "A", as may be amended from time to time by the Butler County COG. The Butler County COG shall be supported by contributions from its members, grants and fees for services. Real and personal property may be purchased, sold or leased by the Butler County COG, in accordance with applicable law. No new entity is being created which would be empowered by 53 Pa.C.S. § 2307(7) to enter into contracts for policies of group insurance and employee benefits, including Social Security.

The Borough Council of the Borough of Seven Fields is hereby authorized to enter into contracts with the Butler County COG to provide such services, programs and joint purchases as the Borough Council of the Borough shall, by resolution, determine from time to time.

SECTION 4. REPEALER; SEVERABILITY.

All ordinances or resolutions and parts of ordinances or resolutions inconsistent herewith are hereby expressly repealed. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED as an ordinance of the Borough of Seven Fields, Butler County, Pennsylvania, this 14th day of April, 2008.

ATTEST:

BOROUGH OF SEVEN FIELDS
BUTLER COUNTY, PENNSYLVANIA

/s/ Thomas B. Smith (SEAL)
Thomas B. Smith, Secretary

/s/ Jack Oakley
Jack Oakley, President

**BUTLER COUNTY
COUNCIL OF GOVERNMENTS
BY-LAWS**

ADOPTED August 9, 2007

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BY –LAWS

I. PREAMBLE

We the representatives of local governments hereby join together in a voluntary organization to be known as the Butler County Council of Governments.

The purpose of the Butler County Council of Governments shall be to meet at regular intervals to discuss and study items of mutual interest and concern and to develop policy and action recommendations for ratification and implementation by the separate member local governments.

By joining together, we realize our individual and common governmental destinies rest with the interdependent actions of the local governments. This voluntary association, which we have formed is designed to achieve closer cooperation since it represents an organization, in which the members seek, by mutual agreement, to solve mutual problems for mutual benefit, and is not a new layer of government or a super government.

Our goal is to retain and strengthen local autonomy while combining our total resources to meet regional challenges, which are beyond our individual capabilities.

This government is for the purpose of forming the Butler County Council of Governments only. It will still be necessary for participating municipalities to enter into separate - joint municipal agreements for the adoption of any regional service program(s).

II. PURPOSE

The Butler County Council of Governments shall be a Voluntary organization of local governments and other entities created to foster a cooperative effort to resolve problems, determine policies and formulate plans that are common and regional. To serve this purpose the organization will:

- a. **FORUM:** Serve as mutual forum to identify, discuss, study and bring into focus regional problems and needs.
- b. **IN-FORMATIONAL CENTER:** Serve as a vehicle for the collection and exchange of information of regional concern and interest.
- c. **REGIONAL PROCESS:** Provide continuing organizational machinery to insure effective communication and coordination among municipalities and agencies.
- d. **POLICY AND PRIORITY SETTING:** Foster, develop and review policies, plans and priorities for regional growth, development and conservation.
- e. **AGREEMENTS AND PROPOSALS:** Facilitate agreements and cooperative action proposals among municipalities for specific projects or

other inter-related developmental needs and for the adoption of common policies and plans with respect to common regional needs.

- f. **REGIONAL SPOKESMAN:** Maintain liaison with members, governmental units and groups or organizations and to serve as regional spokesman for local governments.
- g. **STAFF ASSISTANCE:** Furnish general and technical aid to member municipalities, as they direct or request, to promote and accomplish Butler County Council of Government approved agreements, policies and plans.
- h. **REGIONAL REVIEW:** Review and coordinate Federal, State and Local programs of regional importance.
- i. **COOPERATIVE PURCHASING:** Identify and coordinate the purchasing of commodity items, equipment, and other materials and services.

III. MEMBERSHIP

1. ELIGIBILITY:

- a. The County of Butler, the City of Butler, all boroughs, and all townships of Butler County shall be given full voting rights upon payment of annual dues.
- b. Non-voting membership shall be open to any group designated by the voting membership.

2. ADMISSION:

Aforementioned municipalities, to become members, shall formally enter into these Articles of Agreement with the Butler County Council of Governments pursuant to action of such municipality by ordinance of the governing body and shall comply with requirements concerning financial contributions.

3. REPRESENTATION:

Each member shall be officially represented by an elected official designated or by an appointed official selected by the legislative body of the local government. They shall also select an elected or appointed official of the governing body as an alternate representative. Each member government and entity shall notify the Council of Governments in writing, each year prior to January 30, the names of the official representative and the alternate representative.

4. WITHDRAWAL:

A member may withdraw from such membership, when its local government legislative body signifies its intention to withdraw by Resolution. The Resolution shall be forwarded in writing to the Butler County Council of Governments. A sixty (60) day notice of such action shall be required. Withdrawal by a member from the Butler County Council of Governments, shall in no way, serve to Void or lessen any legal or financial obligation incurred while a member of the Butler County Council of Governments.

5. PARTICIPATION:

- a. Any member is eligible to participate in any special feasibility study provided the governing body of such entity approves its participation by written Resolution, a copy thereof to be filed with the Council of Governments.
- b. Any member is eligible to participate in any Regional Service Program, provided that the governing body of that entity approves its participation by Resolution adopting the Joint Municipal Agreement establishing said program, a copy thereof to be filed with the Council of Governments.
- c. When a member elects to participate in an ongoing Special Feasibility Study or Regional Service Program, it thereby obligates itself to pay its full share of pro-rated costs as agreed upon by the participating members.
- d. Any member, through its representative, shall have the right to refrain from any discussion or action of the Council of Governments. A member shall not share the costs of projects to which it is not a participant.

6. Dues

- a. Annual dues will be designated by the Butler County Council of Governments.
- b. At such time as a community seeks membership in the Butler County Council of Governments during the body's fiscal year, membership dues shall be established by utilizing the normal formula for membership dues, and pro-rating said dues by the number of months remaining in the year. This policy shall apply only to new memberships.

IV. POLICY BODY

1. THE BUTLER COUNTY COUNCIL OF GOVERNMENTS:

- a. **COMPOSITION:** The Butler County Council of Governments shall consist of one representative from each of the members.
- b. **OFFICERS:** The officers of the Butler County Council of Governments shall be a President, Vice- President, Treasurer and secretary from among its members' representatives. These officers shall form the executive committee.
- c. **VOTING:** Each member will have one (1) vote on the Butler County Council of Governments. Associate members do not have a vote.
- d. **QUORUM:** A quorum of the Butler County Council of Governments shall consist of 50% of the executive committee plus a minimum of 5 members of the voting membership.

- e. **MEETINGS:** The Butler County Council of Governments shall meet at least quarterly as well as at the call of three (3) or more of the members.

A proposed agenda and schedule of Votes shall be provided to the members Of the Butler County Council of Governments no less than 15 days in advance of a meeting of the Butler County Council of Governments.

All regularly scheduled meetings of the Butler County Council of Governments shall be open to the public and shall provide an opportunity for member and public comment. Notice of date, time and place of meetings shall be made not less than two weeks in advance in the newspaper of general circulation throughout the Butler County area.

Special meetings may be called by the Chairperson or upon written request of the Designated Delegates of at least two Member Governments. The agenda for special meetings shall be restricted to those items for which the special meeting was called. No Vote shall be taken unless the fifteen (15) day notification requirement has been met and the meeting has been advertised.

- f. **RESPONSIBILITIES:** The Butler County Council of Governments can establish policy on any Council of Governments matter.
- g. **COMMITTEES:** The Butler County Council of Governments may create committees as needed.

V. FINANCES

- a. Membership dues and other funds, which accrue to the Butler County Council of Governments, for use in furthering the aims or purpose of this voluntary organization, shall be controlled, disbursed and accounted for in a manner proposed by the Butler County Council of Governments and approved by the members. The Butler County Council of Governments may cause to have prepared an annual financial audit to be conducted by a certified, independent accounting firm with the results to be presented to the member Governments and to be available to the public.
- c. The fiscal year for the Butler County Council of Governments shall be January 1 to December 31. The annual budget for the Butler County Council of Governments general operating expenses and the proposed allocation for costs for the upcoming fiscal year and all years thereafter shall be adopted by December 15 prior to the beginning of the next fiscal year.

VI. TERM

Municipal membership shall be permanent until withdrawn as long as annual fees are paid.

VII. DISPOSITION OF PROPERTY

The Butler County Council of Governments shall, when necessary, provide for office space, furnishings, supplies, and equipment. Office space may be located in facilities owned by a member municipality or in private facilities. Where it is necessary to have real property, the Butler County Council of Governments shall contract with one of its members to provide such property. The disposal of real property shall be made by the members owning it, when it is deemed by the Butler County Council of Governments that it is in the best interest of the group to dispose of such property. Like-wise, the disposition of any office furniture, supplies and equipment shall be disposed of in the following manner:

- a. It must be offered to the general public at a bid or auction. Any bid may be accepted or rejected.
- b. Proceeds from such sale shall be distributed to each participating member according to their individual percentage of the total investment cost in the property. For example: A piece of property is sold for \$10,000. Township "A"'s total share in acquiring this property, improving it, etc., is determined by the Butler County Council of Governments to equal ten (10) percent of the total investment by the Butler County Council of Governments. Township "A" would receive \$1,000 or ten (10) percent of the total disposal price.

VIII. AMENDMENTS

Amendments to these Articles of Agreement may be recommended from time to time as long as at least 3 voting members of the Butler County Council of Governments support the amendment. However, any amendments shall not be effectual until approved by 2/3 (two thirds) vote of the members present, in the same manner as this agreement originally. Additional voting membership shall be controlled by this section.

IX. RULES OF ORDER

Any matter pertaining to the conduct of any meeting and the procedures thereof shall be governed by the latest edition of Roberts Rules of Order.

X. DEFINITIONS

1. **REPRESENTATIVES:** Any individual elected to the position of City Councilperson or Mayor, Borough Councilperson or Mayor, Township

Commissioner or Township Supervisor, or a representative designated by the member municipality or school district.

2. **MUNICIPALITY** : A city of second class, second class A and third class, borough or township.
3. **REGIONAL SERVICE PROGRAM**: Any service provided jointly by two or more municipalities, including but not limited to planning, building codes, landfill, etc. and established by a joint municipal agreement.
4. **SPECIAL FEASIBILITY STUDY**: Any feasibility study, including but not limited to short duration studies of ways and means to solve regional problems or problems common to two or more municipalities duly undertaken by the Butler County Council of Governments or the Executive Board and requiring the expenditures of funds in excess of, or in addition to, amounts in the approved annual budget of the Butler County Council of Governments or the Executive Board.
5. **VOTING MEMBER**:
 - a. **BUTLER COUNTY COUNCIL OF GOVERNMENTS**: Each member shall have one (1) vote on the Butler County Council of Governments. Associate members do not have a vote.
 - b. **OFFICERS**: The officers of the Butler County Council of Governments shall consist of:
 - a. **President**: The president shall preside at meetings of the Butler County Council of Governments; see that all rules and policies of the Council of Governments are understood and observed ; chair the meeting of the Butler County Council of Governments; and act as a member ex officio of any standing or ad hoc committee which from time to time might be necessary and act as spokesperson for representatives of members of the Council of Governments
 - b. **Vice President**: The Vice President shall preside in the absence of the President and carry out definite assignments of the President in conjunction with other officers and committee members, as applicable; shall assist the President in the President 's duties and act as a member ex officio of any standing or ad hoc committees.
 - c. **Secretary**: The Secretary shall record and maintain the minutes of all Butler County Council of Governments meetings; forward all necessary notices and communications to the officer and committee people; and maintain the By-laws and Constitution with current amendments and revisions.
 - d. **Treasurer** : The Treasurer shall be responsible for the Butler County Council of Governments finances; sign checks, dispense Butler County

Council of Governments funds, as approved by the President; work with officers and committees; prepare monthly reports and an annual budget and annual financial statement.

- e. The Council shall reorganize and conduct election of officers at its January meeting in even numbered years.