

ORDINANCE NO. 1148

AN ORDINANCE AUTHORIZING INTERGOVERNMENTAL COOPERATION BY ESTABLISHING MEMBERSHIP IN TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS AND ESTABLISHING THE CONDITIONS OF SAID MEMBERSHIP PURSUANT TO THE REQUIREMENTS OF ACT 180 OF 1972, 53 P.S. 481-490, AS AMENDED, OF THE COMMONWEALTH OF PENNSYLVANIA

WHEREAS, Act 180 of 1972, P.S. 481-490, repealed absolutely the Act of May 21, 1943 (P.L. 340), 53 P.S. 471 ET SEQ., and became the law governing intergovernmental cooperation within the Commonwealth of Pennsylvania; and,

WHEREAS, Membership in the Turtle Creek Valley Council of Governments is the agency the Municipality of Monroeville has adopted to cooperate with other governmental or quasi-governmental units in the execution of those municipal functions deemed by the Municipality of Monroeville to be accomplished best through cooperation with other governmental or quasi-governmental units; and,

WHEREAS, Act 180 of 1972, 53 P.S. 481-490 intends that full recognition by the Commonwealth of Pennsylvania of an agent of intergovernmental cooperation requires said agent to be established by Ordinance by all cooperating units of government; and,

WHEREAS, The Municipality of Monroeville desires the Turtle Creek Valley Council of Governments to be as useful as possible to the Municipality of Monroeville and to the residents thereof;

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE Municipality of Monroeville, in Council duly assembled, and it is hereby ordained and enacted by authority of the same:

Section 1, Membership

That the Municipality of Monroeville join and be a member of the Turtle Creek Valley Council of Governments.

Section 2. Conditions of Agreement

That no action taken by the Turtle Creek Valley Council of Governments which creates a legal obligation, whether it be contractual, financial, or otherwise upon a member municipality shall be binding upon a member municipality affected unless and until its municipal legislative body ordains, resolves, or otherwise enacts the actions recommended by the Turtle Creek Valley Council of Governments, according to the procedure set forth in the appropriate municipal code and laws of the Commonwealth of Pennsylvania.

Section 3. Duration of Term

That this agreement stand in perpetuity.

Section 4. Purpose and Objectives

That the Turtle Creek Valley Council of Governments shall assist the member municipalities individually or collectively to execute their governmental responsibilities in as efficient and responsible a manner as possible; further, that the Turtle Creek Valley Council of Governments shall undertake such other projects related to municipal government as the Board of Director of the Corporation may direct, subject to the provisions of Section 2.

Section 5. Manner and Extent of Financing

That the Turtle Creek Valley Council of Governments be financed by annual dues paid by member municipalities and by funds obtained by the Corporation from public or private sources.

Section 6. Organizational Structure

That the Turtle Creek Valley Council of Governments be the Agent for the Municipality of Monroeville in matters pertaining to this Agreement; that the chief legislative officer of each municipality shall be a Director of the Turtle Creek Valley Council of Governments, with the right to appoint an alternative(s) from among the legislative body of that municipality to represent him fully in his absence; and that the Board of Directors of the Turtle Creek Valley Council of Governments be authorized to act as they deem necessary, in accordance with its By-laws, subject to Section 2 and to Section 5.

Section 7. Acquisition/Management/Disposal of Property

That real or personal property necessary to implement this Agreement be acquired, managed, and disposed by the Turtle Creek Valley Council of Governments, in accordance with the By-laws of the Corporation and any laws or contracts which apply.

Section 8. By-Laws

That the By-Laws of the Turtle Creek Valley Council of Governments attached hereto and made a part hereof are hereby approved.

ORDAINED AND ENACTED this 10th day of October, 1978.

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE

S/ Marshall W. Bond  
Municipal Manager

S/ Michael P. Lynch  
Mayor

Entered in Legal Book October 31, 1978

BY-LAWS

THE TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS, INC.

ARTICLE I

OFFICES

- 1.1 The registered office shall be located at the North Braddock Borough Building, 600 Anderson Street, North Braddock, PA 15104.
- 1.2 The Corporation may also have offices at such other places as the Board of Directors may from time to time determine.

ARTICLE II

PURPOSES

- 2.1 The purpose of Turtle Creek Valley Council of Governments is to assist the member municipalities individually or collectively to execute their governmental responsibilities in as efficient and responsible a manner as possible. More specifically, upon formal request the Corporation shall provide assistance in three major categories:
  - A. The generation and collection of municipal revenue.
  - B. The planning and execution of municipal operations as outlined in the "Commonwealth of Pennsylvania Annual Budget Report and Guide" (Department of Community Affairs, Harrisburg).
  - C. The planning and execution of municipal capital improvements as outlined in "Commonwealth of Pennsylvania Annual Budget Report and Guide" (Department of Community Affairs, Harrisburg).
- 2.2 Further, the Corporation shall undertake such other projects related to municipal government as the Board of Directors may direct.
- 2.3 To accomplish its purpose, the Corporation shall maintain a staff of urban professionals and support personnel.

ARTICLE III

MEMBERSHIP

- 3.1 As a condition of membership, municipalities shall enact the Ordinance contained in Article XVI.
- 3.2 All elected officials of the municipalities named in the Article XV shall be non-voting members of the Corporation.

- 3.3 There shall be one voting member from each municipality named in Article XV. The voting member from each participating municipality shall be the chief legislative officer, who may appoint an alternate(s) from among the legislative body to represent him fully in his absence. Said voting member or his proxy shall be entitled to exercise his (her) vote as soon as the formal letter designating him (her) as the voting member is filed with the Secretary of the Turtle Creek Valley Council of Governments.
- 3.4 Any voting member may be replaced or removed at any time by the municipal legislative body which originally named that voting member. Such removal or replacement of a voting member shall take effect upon the filing with the Corporate Secretary of a written resolution by the municipal legislative body involved removing or replacing the voting member.
- 3.5 Any municipality wishing to terminate its representation in the Turtle Creek Valley Council of Governments may do so at any time by notifying the Turtle Creek Valley Council of Governments of such intention ninety days in advance of the effective date and removing by filing a copy of the repealing ordinance of its legislative body with the Secretary of the Turtle Creek Valley Council of Governments. Said termination per se shall not affect any Agreements between the municipality and the Corporation which may be in effect at the time of termination.

ARTICLE IV

BOARD OF DIRECTORS

- 4.1 The Board of Directors shall be made up of the voting members from each participating municipality named in Article XV.
- 4.2 Each voting member shall be entitled to cast one vote.

ARTICLE V

QUORUM

- 5.1 A quorum for holding any meeting of the members of Board of Directors shall be the simple majority of the members of the Board of Directors.

ARTICLE VI

MAJORITY VOTE

- 6.1 A simple majority of the members of the Board of Directors present shall be required to pass any motion at any meeting of the members of the Board of Directors.

ARTICLE VII

MEETINGS

- 7.1 The Board of Directors shall meet on the third Thursday of every month.
- 7.2 Special meetings of the Board of Directors shall be called by the Chairman whenever he shall deem it necessary or upon written request signed by three members of the Board of Directors.
- 7.3 Each director shall receive one week's notice of any special meeting.
- 7.4 Unless otherwise provided by law, whenever any notice is required to be given, by the provisions of the by-laws, a written waiver thereof, signed by the persons entitled to such notices before or after the time stated therein, shall be equivalent thereto.

ARTICLE VIII

GENERAL MEMBERSHIP MEETINGS

- 8.1 Meetings of all members both voting and non-voting shall take place at least twice a year at times to be determined by the Chairman.

ARTICLE IX

DUTIES AND POWERS OF THE BOARD OF DIRECTORS

- 9.1 The property and business of this Corporation shall be managed by the Board of Directors.
- 9.2 In addition to the general powers of the Board of Directors by virtue of their office, the powers and authority expressly given by law, by the terms of the charter of this body, and elsewhere in these by-laws, the following specific powers are expressly conferred on the Board of Directors:

To purchase or otherwise acquire for the Corporation any property, right or privilege which it is authorized to acquire at such price or consideration, and upon such terms as they deem expedient; to enter into contracts on behalf of the Corporation; to lease its property or equipment to member or non-member municipalities for the benefit of the Corporation on such terms and conditions as the Board of Directors may determine; to provide services to member or non-member municipalities on such terms and conditions as the Board of Directors may determine; to appoint, to remove or suspend subordinate agents or servants, to determine their duties and affix their salaries; to confer by resolution upon any officer or agent of this Corporation the power of permanently removing or suspending any subordinate officer or servants; to determine who shall be authorized, on behalf of this Corporation, to sign bills, notices, receipts, acceptances, endorsements, checks, releases, contracts, and any other instruments; to delegate any of the powers of the Board of Directors to any standing committee, special committee, or any officer or agent of the Corporation, with such power as the Board of Directors may seem fit to grant; generally to do all such lawful acts and things as are not by law, or by charter, or by these by-laws directed or required to be done by the members.

- 9.3 Any action which may be taken at a meeting of the Board of Directors, may be taken without a meeting, if consent in writing setting forth the action so taken shall be signed by all the directors and filed with the Secretary of the Corporation.
- 9.4 The Board of Directors may delegate the authority to seek and accept funds from public and private sources to carry out the purposes set forth in the Articles.
- 9.5 The Board of Directors may retain an executive director to supervise the day to day operations of the Corporation, to carry out the directions of the Board of Directors, and to perform any other function or duties authorized from time to time by the Board of Directors.

ARTICLE X

POWERS DENIED TO THE BOARD OF DIRECTORS

- 10.1 No action by the Board of Directors of the said Corporation which creates a legal obligation, whether it be contractual, financial, or otherwise upon a member municipality shall be binding upon the member municipality affected unless and until its local councilmanic body ordains, resolves, or otherwise enacts the action recommended by the Board of Directors according to the procedure set forth in the Pennsylvania Borough of Township Code and Laws of the Commonwealth of Pennsylvania.

ARTICLE XI

OFFICERS

- 11.1 The officers of the Board of Directors shall be a chairman, a vice-chairman, and a secretary.
- 11.2 All officers must be members of the Board of Directors.

ARTICLE XII

ELECTIONS AND TERMS OF OFFICE

- 12.1 Elections shall be held annually, at a time determined by the Chairman.
- 12.2 Each Board member or his proxy shall be entitled to cast one vote for each officer position.
- 12.3 The term of office for all officers shall be one year.
- 12.4 In the event that the office of an officer shall become vacant, the Board of Directors shall fill such vacancy for the unexpired term at their next regular monthly meeting.
- 12.5 A simple majority vote of the Board of Directors present shall be required to elect the officers of the Corporation.

ARTICLE XIII

DUTIES AND POWERS OF OFFICERS

- 13.1 The Chairman shall have general supervision of the business and affairs of the Corporation, subject to the control of the Board of Directors. The Chairman shall act as Chairman at each meeting of the Board of Directors.
- 13.2 The Vice-Chairman shall, in the absence of the Chairman, perform the duties of the Chairman and shall perform such other duties and responsibilities as the Board of Directors may from time to time deem appropriate.
- 13.3 The Secretary shall keep minutes of all meetings of the Board of Directors and shall give all notices of meetings of the Board of Directors. The Secretary shall have custody of all records, contracts, and agreements of the Corporation and shall attend to such correspondence of the Corporation as the Board of Directors shall direct.
- 13.4 The duties of the Secretary may be delegated to appropriate staff personnel.

ARTICLE XIV

AMENDMENTS

- 14.1 The provisions of these articles shall be amended in the following manner:
  - (a) 30 Days written notice of the proposed changes must be submitted to the voting members by the Secretary.
  - (b) A single majority vote of the Board of Directors shall be required to effect an amendment to these articles.
  - (c) No amendment shall take effect until ratification by resolution of the member communities as stipulated in Article X of these articles.

ARTICLE XV

MUNICIPALITIES HAVING MEMBERSHIP IN  
TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS, INC.

15.1 The municipalities having membership in Turtle Creek Valley Council of Governments shall be:

Braddock Borough  
 East McKeesport Boro  
 East Pittsburgh Boro  
 Monroeville Municipality

North Braddock Boro  
 Pitcairn Boro  
 Rankin Boro  
 Turtle Creek Borough

Wall Boro  
 Wilmerding Boro