

ORDINANCE NO. 155, 2005

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP OF TILDEN TO JOIN WITH OTHER POLITICAL SUBDIVISIONS AS A MEMBER OF THE MUNICIPAL RISK MANAGEMENT WORKERS' COMPENSATION POOLED TRUST (MRM TRUST), TO ENTER INTO AN INTERGOVERNMENTAL TRUST AGREEMENT FOR THE PURPOSE OF JOINING THE MRM TRUST AND TO PARTICIPATE AS A MEMBER OF THE MRM TRUST

WHEREAS, a number of political subdivisions within Pennsylvania have investigated whether it would be mutually beneficial to cooperate with each other in obtaining employee workers compensation benefits; and

WHEREAS, a plan has been established for the Municipal Risk Management Workers' Compensation Pooled Trust (MRM Trust) for the purpose of collectively purchasing employee workers compensation benefits; and

WHEREAS, the MRM Trust has been established pursuant to an intergovernmental cooperation agreement entitled the Trust Agreement of Municipal Risk Management Workers' Compensation Pooled Trust (the "Agreement"); and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. Section 481 et seq., a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors ("Board of Supervisors") of the Township of Tilden, Berks County, Pennsylvania (the "Township"), and IT IS HEREBY ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. The caption and Whereas clauses set forth above are incorporated herein by reference thereto.

SECTION 2. The Township hereby approves entering into the Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the Township shall be bound by the Agreement.

SECTION 3. The Chairman or Vice Chairman of the Board of Supervisors, acting alone or together with the Secretary of the Township, are hereby authorized and directed

on behalf of the Township: (a) to execute and deliver the Agreement, (b) to execute and deliver the Participant's Application, and (c) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including but not limited to payment to the MRM Trust of such amounts as are due by the Township pursuant to the Agreement.

SECTION 4. All actions of the Board of Supervisors or any officer, agent or other representative of the Township heretofore taken in the pursuit of the establishment of the MRM Trust and/or the Township's participation therein are hereby ratified and approved in all respects.

SECTION 5. The Board of Supervisors is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and the Agreement.

SECTION 6. As required by the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are set forth in the Agreement.
- (b) The Township shall participate in the MRM Trust for an initial term of four (4) years. All renewal terms shall be as further set forth therein.
- (c) The purpose and objectives of the Agreement are as set forth in the Whereas sections of this Ordinance and in Article V of the Agreement.
- (d) The powers and scope of authority delegated are set forth in Article II, Article V, Article VI, Article VII and Article IX of the Agreement.
- (e) The manner and extent of financing the Agreement are that (i) no borrowing will be required by the Township, (ii) funds to implement the Township's obligations under the Agreement shall come from normal and usual budgeted amounts for such matters, and (iii) other provisions governing the manner and extent of the financing of the MRM Trust shall be as set forth in the Agreement.
- (f) The organizational structure necessary to implement the Agreement consists of the trust, Trustees, Service Agents and Fiscal Agents pursuant to the terms of the Agreement.
- (g) All property, real or personal, of the MRM Trust shall be acquired, managed, licensed or disposed of by the MRM Trust in accordance with the terms of the Agreement.

(h) The MRM Trust created by the Agreement shall be empowered to enter into contracts for policies of group insurance and employee benefits, including social security for its employees pursuant to the terms of the Agreement.

SECTION 7. The provisions of this Ordinance are severable, and if any section, sentence, clause, 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, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township 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 8. 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.

SECTION 9. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 5th day of February, 2005.

TOWNSHIP OF TILDEN

By: Troy R. Hatt  
Chairman (Vice)

By: Russell H. Harty

By: \_\_\_\_\_

Attest: Cheryl A. Haus  
Secretary