

ORDINANCE NUMBER 2015 -1

OAKLAND TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

**AN ORDINANCE AUTHORIZING PARTICIPATION IN THE PSATS
UNEMPLOYMENT COMPENSATION GROUP TRUST**

WHEREAS, the PSATS Unemployment Compensation Group Trust, originally established in 1980, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers of Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and maintain unemployment compensation insurance coverage; and

WHEREAS, the governing Declaration and Agreement of Trust for the Trust has been comprehensively updated, amended and restated effective July 16,2014 (hereinafter "Restated Trust Agreement"); 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, the Board of Supervisors has determined that it is in the best interest of Oakland Township ("Township") to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in such Restated Trust Agreement; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 *et seq.*, a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

NOW THEREFORE, be it enacted and ordained by the Oakland Township Board of Supervisors, ("Board"), as follows:

Section 1. Adoption.

A. The Chairman of the Board of Supervisors and Township Secretary are hereby authorized to adopt the attached Restated Trust Agreement, incorporated herein by reference, and any other agreements necessary for the Township's participation in the Trust.

B. The Restated Trust Agreement is on file for inspection and review at the Township's office. 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, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

Section 2. Pooling. The participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

Section 3. Conditions for Participation. As set forth in greater 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.

Section 4. Withdrawal. 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.

Section 5. Effective Date of Joinder to the Trust. 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 January 1, 2015

Section 6. Delegation of Powers to Board of Trustees. The Township delegates to the Board of Trustees of the Trust the powers enumerated in the Restated Trust Agreement.

Section 7. Power of Board of Trustees. 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.

Section 8. Funds Appropriation. 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.

Section 9. Trust Employee Contracts. 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.

Section 10. Compliance. 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.

Section 11. Certified Copy. The Township Secretary shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

Section 12. Further Actions. 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.

Section 13. Duration. The duration of 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.

Section 14. Specific Findings. The Board of Supervisors hereby specifically finds and determines as follows:

A. The conditions of the intergovernmental cooperative 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.

Section 15. Severability. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board of Supervisors that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

Section 16. Existing Rights Not Affected. Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.

Section 17. Effective Date. This Ordinance shall become effective immediately upon its enactment.

ORDAINED AND ENACTED this 4th day of February 2015, by the Board of Supervisors of Oakland Township in lawful session duly assembled.