



# UPPER DAUPHIN COUNCIL OF GOVERNMENTS

## ARTICLES OF AGREEMENT AND BY-LAWS

for

## THE UPPER DAUPHIN COUNCIL OF GOVERNMENTS

### PREAMBLE

We, the representatives of local governments in the Upper Dauphin Region, Dauphin County, Pennsylvania, hereby join together in a voluntary organization to be known as the Upper Dauphin Council of Governments, for the purpose of meeting at regular intervals to discuss and study community challenges of mutual interest and concern, and to develop policy and action recommendations for ratification and implementation by member local governments.

We recognize that the individual destinies of the townships and boroughs of the Upper Dauphin Area depend to a large measure upon the inter-dependent actions of the local governments which make up our region; and, also recognize that the many growing problems with which we are faced transcend the boundaries of our individual local municipalities.

This voluntary association which we have formed is a vehicle for closer cooperation and is not a new layer of government nor a super-government. As a voluntary organization of local governments, the members seek, by mutual agreement, solutions to mutual problems for mutual benefit.

Our major goal is to retain and strengthen local "home rule" and at the same time combine our resources to solve problems beyond the individual capacities of the respective municipalities. By voluntarily combining our individual resources, we can better solve the mounting problems with which our various municipalities are faced while at the same time preserving our local autonomy and existing system of self government.

This agreement is for the purpose of forming the Upper Dauphin 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).

ARTICLE I. NAME OF COUNCIL

The name of this organization shall be the "Upper Dauphin Council of Governments."

ARTICLE II. AUTHORIZATION, POWERS, AND DUTIES

Section 1. The authorization for the establishment and continuance of this council is set forth under the following statutes to wit:

- A. As to the Boroughs of the region; Clause 34 of the Act of 1966, February 1, P. L. (1965) - No. 581 Section 1202 as supplemented and amended (53 P. S. 46202);
- B. As to Townships; the Act of May 1, 1933 P. L. 103 Article 7 Section 702, Clause XL, as added by the Act of July 10, 1947 P. L. 1481 Section 9 as supplemented and amended (53 P. S. 65740);
- C. Reference to Act 195, May 21, 1943, P. L. 340, as amended.
- D. The Intergovernmental Cooperation Provision found in Section 5 of Article 9 of the Constitution of Pennsylvania, 1968.

Section 2. The Committee shall have the powers and duties specified in the By-laws as now or hereafter amended.

ARTICLE III. PURPOSE

The Upper Dauphin Council of Governments shall be a voluntary organization of local governments to foster a cooperative effort in resolving problems, policies, and plans that are common and regional.

The purpose of this organization is:

- A. To serve as a mutual forum to identify, discuss, study, and bring into focus regional challenges and opportunities.
- B. To serve as a vehicle for the collection and exchange of information of regional interest.
- C. To make "areawide" comprehensive planning more effective by keying the elected public officials into the recommendation-forming and decision-making phases of the planning progress.
- D. To provide a continuing organizational machinery to insure effective communication and coordination among governments and agencies.
- E. To foster, develop, and review policies, plans, and priorities for regional growth, development, and conservation.
- F. To facilitate agreements and cooperative action proposals among member governments for specific projects or other interrelated developmental needs and for the adoption of common policies and plans with respect to common regional challenges.
- G. To maintain liaison with members, governmental units, and groups or organizations and to serve as regional spokesman for local government.
- H. To promote a program of public education and citizens' participation in the overall planning and development efforts now underway throughout the region by establishing close working relationships with groups, organizations, and the general citizenry throughout the region.

- I. To furnish general and technical aid to member governments, as they direct, to promote and accomplish council approved agreements, policies, and plans.
- J. To review and coordinate federal, state, and local programs of regional importance.
- K. To minimize any duplication of effort thereby promoting the most efficient use of each tax dollar.
- L. To aid the County Planning Commission in guiding the future orderly growth and development of the county by providing a direct input of the needs and desires of each local unit of government within the region.

ARTICLE IV. MEMBERSHIP AND RESPONSIBILITIES

Section 1. Eligibility

- A. Voting membership shall be open initially to the Townships of Halifax, Jackson, Jefferson, Lykens, Mifflin, Reed, Rush, Upper Paxton, Washington, Wayne, Wiconisco, Williams and the Boroughs of Berrysburg, Elizabethville, Gratz, Halifax, Lykens, Millersburg, Pillow (Uniontown), Williamstown.
- B. Non-voting membership shall be open to any group designated by the voting membership.

Section 2. Admission.

Aforementioned municipalities, to become members, shall formally enter into these Articles of Agreement creating the Upper Dauphin Council of Governments pursuant to action of such municipality by either Ordinance or Resolution of the governing body and shall comply with requirements concerning financial contributions.

Section 3. Representation.

Each member government shall be officially represented by its elected governing officials.

Section 4. Withdrawal.

A member municipality may withdraw from such membership, when its chief executive and local governing body signifies its intention to withdraw by either Ordinance or Resolution. The Resolution shall be forwarded in writing to the Council. A sixty (60) day notice of such action shall be required.

Section 5. Participation.

- A. Any member municipality is eligible to participate in any Special Feasibility Study provided the governing body of such municipality approves its participation by written resolution, a copy thereof to be filed with the Council of Governments.
- B. Any member municipality is eligible to participate in any Regional Service Program provided that the governing body of that municipality approves its participation by Ordinance or Resolution adopting the Joint Municipal Agreement establishing said program, a copy thereof to be filed with the Council of Governments.
- C. When a member municipality elects to participate in an ongoing Special Feasibility Study or Regional Service Program it thereby obligates itself to pay its full share of prorated costs as determined by the Council.

Section 6. Voting.

Each municipality will have one vote on the Council.

Section 7. Quorum.

A quorum of the Council shall consist of a simple majority of the total voting membership.

Section 8. Meetings.

The Council is required to meet at least six (6) times a year, or upon call of its president, or by petition of any voting member of the Council.

Section 9. Responsibilities

The responsibilities of the Council are:

- A. To adopt and amend By-laws.
- B. To propose and recommend Special Feasibility Studies.
- C. To propose and recommend regional service programs.
- D. To initiate, advise, and aid in the establishment of cooperative arrangements, including interlocal agreements, among local governments in the Region.
- E. To propose, initiate, or approve any study, policy discussion, plan or other Council policy matters.
- F. To resolve membership questions.
- G. To make recommendations to any local governments or to other appropriate agencies or entities.
- H. To propose amendments to intergovernmental agreements for ratification of members.
- I. To annually elect a President, Vice-President, Secretary and other officials as required.
- J. To nominate ad hoc or special committees.
- K. To conduct the business of the Council within the policy guidelines of the Council.

- L. To recommend regional policies, studies, plans, or other appropriate matters.
- M. To serve as financial control body and receive funds for the Council.
- N. To render advice and technical assistance on request of member governments in regard to local governmental problems having regional impact.
- O. To provide an opportunity for the state and federal governments and other agencies which have regional interests in Council activities to participate.
- P. To seek and recommend acceptance of contributions and grants-in-aid.

The Council may engage consultants and professional, technical, or clerical personnel as may be required in the work of the Council.

#### ARTICLE V. OFFICERS AND THEIR DUTIES

Section 1. The officers of the "Upper Dauphin Council or Governments" shall consist of a President, Vice-President, and a Secretary.

Section 2. The President shall preside at all meetings and hearings of the Council and shall have the duties normally conferred by parliamentary usage upon such officers.

Section 3. The Vice-President shall perform the duties of the chairman in his absence.

Section 4. The Secretary shall keep the minutes and records of the Committee and, with the assistance of the consultant as is available, shall prepare the agenda of regular and special meetings under the direction of the President; provide notice of all meetings to council

members; arrange proper and legal notice of meetings and hearings; attend to the correspondence of the Council; maintain and keep records of all receipts and disbursements, if any should arise, of the Council; and such other duties as are normally carried out by the Secretary. At the conclusion of his term of office, the Secretary shall turn over to his successor all books, records, papers, and all other data belonging to the Council.

Section 5. In the event the Secretary shall have any receipts or disbursements, the records thereof shall be audited by an auditing committee of five (5) members appointed by the President with a copy of the annual audit being furnished to each member of the Council and others as directed by the President.

## ARTICLE VI. ELECTION OF OFFICERS

Section 1. An annual organization meeting shall be held by the Council in January of each year.

Section 2. Nominations shall be made from the floor at the annual organization meeting and the election of officers specified in Section 1, Article IV, shall follow immediately thereafter by roll call vote.

Section 3. A candidate receiving a majority vote of those present, providing there is a quorum present, shall be declared elected and shall serve one (1) year or until his successor shall take office.

Section 4. Vacancies in office shall be filled as soon as possible by regular election procedures.

Section 5. A President shall not serve successively for more than two (2) terms.

ARTICLE VII. ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be:

- A. Roll call
- B. Reading of the minutes of the previous meeting and action thereon.
- C. Communications and bills.
- D. Reports of officers and committees.
- E. Old business.
- F. New business.
- G. Adjournment.

Section 2. A motion from the floor must be made and passed in order to dispense with any item of the agenda.

ARTICLE VIII. FINANCES

Funds, which accrue to the Council for use in furthering the aims and purposes of this voluntary organization shall be controlled, disbursed, and accounted for in a manner prescribed by the Council.

ARTICLE IX. TERM

Length of this Agreement shall be perpetual, subject to the conditions stated under Article IV, Section 4, subtitle Withdrawal.

ARTICLE X. DISPOSITION OF PROPERTY

The Upper Dauphin 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 Upper Dauphin Council of Governments shall contract with one

or its member municipalities to provide such property. The disposal of real property shall be made by the municipality owning it, when it is deemed by the Council that it is in the best interest of the group to dispose of such property. Likewise, the disposition of any office furniture, supplies and equipment, valued at \$500 or more, shall be disposed of in the following manner:

- A. It must be offered to the general public at public bid or auction. Any bid may be accepted or rejected.
- B. Proceeds from such sale shall be distributed to each participating municipality according to their individual percentage of the total investment cost in the property. For example: A piece of property is sold for \$10,000. Halifax Township's total share in acquiring this property, improving it, etc. is determined by the Council to equal 10% of the total investment by the Council of Governments. Halifax Township would receive \$1,000 or 10% of the total disposal price.
- C. Anything valued at less than \$500 shall be disposed as the Council of Governments sees fit and monies realized shall be disposed as above.

ARTICLE XI. AMENDMENTS

Amendments to these Articles of Agreement may be recommended from time to time by a majority vote of the Council. However, any amendments shall not be effectual until approved by each member municipality in the same manner as this Agreement, originally. Additional voting membership shall be controlled by this section.

ARTICLE XII. DEFINITIONS

- A. Elected Representatives  
Any individual elected to the position of Township Supervisor, Borough Councilman or Mayor.
- B. Municipality  
This term shall include the political subdivisions of the Townships of Halifax, Jackson, Jefferson, Lykens, Mifflin, Reed, Rush, Upper Paxton, Washington, Wayne, Wiconisco, Williams and the Boroughs of Berrysburg, Elizabethville, Gratz, Halifax, Lykens, Millersburg, Pillow (Uniontown), and Williamstown.
- C. 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.
- D. 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 Council and requiring the expenditure of funds.

The parties hereto have caused this Agreement to be signed in the names of the aforesaid municipalities by the appropriately designated public official, duly attested to by the respective clerks or secretaries with the corporate seals of the said municipalities being duly attached hereto this \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and seventy two.

TOWNSHIP OF HALIFAX

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF JACKSON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF JEFFERSON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF LYKENS

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF MIFFLIN

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF REED

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF RUSH

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF UPPER PAXTON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF WASHINGTON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF WAYNE

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF WICONISCO

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

TOWNSHIP OF WILLIAMS

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

BOROUGH OF BERRYSBURG

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF ELIZABETHVILLE

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF GRATZ

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF HALIFAX

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF LYKENS

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF MILLERSBURG

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF PILLOW (Uniontown)

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

BOROUGH OF WILLIAMSTOWN

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

RESOLUTION

WHEREAS, the municipality of \_\_\_\_\_,  
Dauphin County, Pennsylvania, has entered into Articles of Agreement  
and By-Laws for the Upper Dauphin Council of Governments; and

WHEREAS, the municipality of \_\_\_\_\_ is presently  
a member in good standing of the Upper Dauphin Council of Governments;  
and

WHEREAS, the Upper Dauphin Council of Governments is desirous  
of amending Section 5 of Article VI of said Articles of Agreement and  
By-Laws as follows:

Section 5 as it presently reads: "A president shall  
not serve successively for more than two (2) terms."

Section 5 as proposed amendment: "A president shall  
not serve successively for more than six (6) terms."

NOW BE IT RESOLVED, therefore, that the municipality of  
\_\_\_\_\_, Dauphin County, Pennsylvania, is in  
agreement that Section 5 of Article VI of Said Articles of Agreement  
and By-Laws shall be amended as heretofore stated.

BE IT RESOLVED, this \_\_\_\_\_ day of January, 1978.

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President/Chairman

(SEAL)

RESOLUTION

WHEREAS, the municipality of \_\_\_\_\_,  
Dauphin County, Pennsylvania, has entered into Articles of Agreement  
and By-Laws for the Upper Dauphin Council of Governments; and

WHEREAS, the municipality of \_\_\_\_\_ is presently  
a member in good standing of the Upper Dauphin Council of Governments; and

WHEREAS, the Upper Dauphin Council of Governments is desirous of  
amending the following sections of the Articles of Agreement and By-Laws as  
follows:

Article IV Section 3 as it presently reads: "Each member government  
shall be officially represented by its elected governing officials."

Article IV Section 3 as proposed amendment: "Each member government  
shall be officially represented by its appointed representative."

Article IV Section 9 I. as it presently reads: "To annually elect a  
President, Vice-President, Secretary and other officials as required."

Article IV Section 9 I. as proposed amendment: "To annually elect a  
President and Vice-President, and appoint a Secretary and other officials as  
required."

Article V Section 5 as it presently reads: "In the event the Secretary  
shall have any receipts or disbursements, the records thereof shall be audited  
by an auditing committee of five (5) members appointed by the President with a  
copy of the annual audit being furnished to each member of the Council and  
others as directed by the President."

Article V Section 5 as proposed amendment: "In the event the Secretary  
shall have any receipts or disbursements, the records thereof shall be audited  
by an auditing committee of two (2) members appointed by the President with a  
copy of the annual audit being furnished to each member of the Council and  
others as directed by the President."

Article XII A as it presently reads: "Elected Representative - Any individual elected to the position of Township Supervisor, Borough Councilman or Mayor."

Article XII A as proposed amendment: "Representative - Any individual appointed to represent a Township or Borough."

Article XII C as it presently reads: "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."

Article XII C as it presently reads: "Regional Service Program - Any service provided jointly by two or more municipalities, including but not limited to planning, building codes, etc., and established by a joint municipal agreement."

NOW BE IT RESOLVED, therefore, that the municipality of \_\_\_\_\_, Dauphin County, Pennsylvania, is in agreement that these By-Laws shall be amended as heretofore stated.

BE IT RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President/Chairman

(Seal)

RESOLUTION

WHEREAS, the municipality of \_\_\_\_\_,  
Dauphin County, Pennsylvania, has entered into Articles of Agreement  
and By-Laws for the Upper Dauphin Council of Governments; and

WHEREAS, the municipality of \_\_\_\_\_ is presently  
a member in good standing of the Upper Dauphin Council of Governments; and

WHEREAS, the Upper Dauphin Council of Governments is desirous of  
amending the following section of the Articles of Agreement and By-Laws as  
follows:

**Article IV Section 7 as it presently reads:** "A quorum of the Council  
shall consist of a simple majority of the total voting membership."

**Article IV Section 7 as proposed amendment:** "A quorum of the Council  
shall consist of one third of the total voting membership."

NOW BE IT RESOLVED, therefore, that the municipality of  
\_\_\_\_\_, Dauphin County, Pennsylvania, is in agreement that  
these By-Laws shall be amended as heretofore stated.

BE IT RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President/Chairman

(Seal)