

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 510 Session of
2019

INTRODUCED BY SCHEMEL, SAYLOR, MILLARD, KAUFFMAN, RYAN,
BERNSTINE, ZIMMERMAN, MENTZER, NESBIT AND MARSHALL,
FEBRUARY 12, 2019

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 13, 2019

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in intergovernmental cooperation,
3 further providing for ordinance, for content of ordinance,
4 for joint purchases with private educational establishments,
5 for required review of specified agreements and for effect of
6 joint cooperation agreements.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2305, 2307, 2310, 2314(a) and 2315 of
10 Title 53 of the Pennsylvania Consolidated Statutes are amended
11 to read:

12 § 2305. [Ordinance] Adoption of ordinance or resolution.

13 (a) Ordinance or resolution.--A local government may enter
14 into intergovernmental cooperation with or delegate any
15 functions, powers or responsibilities to another governmental
16 unit [or], local government or authority as defined in section
17 5602 (relating to definitions) upon the passage of an ordinance
18 or resolution by its governing body. If mandated by initiative
19 and referendum in the area affected, the local government shall

1 adopt such an ordinance or resolution.

2 (b) Compliance by authorities.--An authority as defined in
3 section 5602 may not share or be delegated any function, power
4 or responsibility through an agreement under this subchapter
5 unless the function, power or responsibility is authorized by
6 both the law under which the authority was created and the
7 powers or purposes of the authority contained within its
8 articles of incorporation.

9 (c) Council of governing bodies.--A council or consortium of <--
10 governing bodies or similar entity may not be entered into
11 unless by ordinance. AN INTERGOVERNMENTAL AGREEMENT CREATING A <--
12 COUNCIL OR CONSORTIUM OF GOVERNING BODIES OR SIMILAR ENTITY
13 SEPARATE FROM THE ORGANIZING GOVERNING BODIES MAY NOT BE ENTERED
14 INTO UNLESS BY ORDINANCE. A MUNICIPALITY MAY JOIN AN EXISTING
15 INTERGOVERNMENTAL COOPERATION AGREEMENT OF OTHER MUNICIPALITIES
16 WHEREBY SUCH AN ENTITY WAS CREATED, BY RESOLUTION OR BY
17 ORDINANCE.

18 § 2307. Content of ordinance or resolution.

19 The ordinance or resolution adopted by the governing body of
20 a local government entering into intergovernmental cooperation
21 or delegating or transferring any functions, powers or
22 responsibilities to another local government, an authority as
23 defined in section 5602 (relating to definitions) or to a
24 council of governments, consortium or any other similar entity
25 shall specify:

26 (1) The conditions of agreement in the case of
27 cooperation with or delegation to other local governments,
28 the Commonwealth, other states or the Federal Government.

29 (2) The duration of the term of the agreement.

30 (3) The purpose and objectives of the agreement,

1 including the powers and scope of authority delegated in the
2 agreement.

3 (4) The manner and extent of financing the agreement.

4 (5) The organizational structure necessary to implement
5 the agreement.

6 (6) The manner in which real or personal property shall
7 be acquired, managed, licensed or disposed of.

8 (7) That the entity created under this section shall be
9 empowered to enter into contracts for policies of group
10 insurance and employee benefits, including Social Security,
11 for its employees.

12 § 2310. Joint purchases with private educational
13 establishments.

14 Any local government may, by ordinance or resolution,
15 authorize joint purchases of materials, supplies and equipment
16 with any private school, parochial school, private college or
17 university or nonprofit human services agency within the local
18 government. The ordinance or resolution shall require that the
19 school, college or agency shall be bound by the terms and
20 conditions of purchasing agreements which the local government
21 prescribes and that the school, college or agency shall be
22 responsible for payment directly to the vendor under each
23 purchase contract. Schools, colleges and agencies shall be
24 exempt from any existing statutory requirements governing
25 competitive bidding and execution of contracts with respect to
26 purchases under this section.

27 § 2314. Required review of specified agreements.

28 (a) General rule.--An agreement between a local government
29 and the Federal Government, the Commonwealth, any other state or
30 government of another state under the provisions of this

1 subchapter shall, prior to and as a condition precedent to
2 enactment of an ordinance or resolution, be submitted to the
3 Local Government Commission for review and recommendation. An
4 agreement exclusively between a local government and an
5 authority as defined in section 5602 (relating to definitions)
6 shall not be subject to the requirements under this section.

7 * * *

8 § 2315. Effect of joint cooperation agreements.

9 Any joint cooperation agreement shall be deemed in force as
10 to any local government when the agreement has been adopted by
11 ordinance or resolution by all cooperating local governments.
12 After adoption by all cooperating local governments, the
13 agreement shall be binding upon the local government, and its
14 covenants may be enforced by appropriate remedy by any one or
15 more of the local governments against any other local government
16 which is a party to the agreement.

17 Section 2. This act shall take effect in 60 days.