

ORDINANCE NO. 9-10

AN ORDINANCE OF UCC,
PENNSYLVANIA RATIFYING THE ENTRY INTO A JOINT
MUNICIPAL AGREEMENT WITH CERTAIN OTHER LOCAL
GOVERNMENTS WITHIN ARMSTRONG COUNTY,
PENNSYLVANIA FOR PARTICIPATION IN THE GROUP
PRESENTLY KNOWN AS THE ARMSTRONG UNIFORM
CONSTRUCTION CODE GROUP, AND FURTHER
AGREEING TO UTILIZE THE APPEAL BOARD TO BE
PROVIDED THROUGH SAID GROUP FOR ALL APPEALS
TAKEN WITHIN THIS MUNICIPALITY PURSUANT TO THE
PENNSYLVANIA UNIFORM CONSTRUCTION CODE.

WHEREAS, the Intergovernmental Cooperation Act, the Borough Code and the Second Class Township Code provide that local governments may, by ordinance, enter into joint municipal agreements with one or more local governments for the purposes of performing governmental duties and functions which are common to said local governments; and

WHEREAS, various local governments in Armstrong County, Pennsylvania have entered into a joint municipal agreement to administer certain governmental functions required under the Pennsylvania Uniform Construction Code, including furnishing an appeal board; and

WHEREAS, it is in the best interest of the people of this municipality to join into this group, now known simply as the Armstrong Uniform Construction Code (U.C.C.) Group,

NOW, THEREFORE, it is ordained as follows:

1. The Participation Agreement entered into between this municipality and the Armstrong UCC Group is hereby ratified and reaffirmed.
2. This municipality shall be a member of the Armstrong UCC Group, shall abide by the By-Laws and other rules of said group, and shall utilize the appeal board to be organized and operated by said group.
3. This municipality shall designate a person or persons to represent the municipality at meetings of the Armstrong UCC Group, as provided for in the Participation Agreement.

ENACTED and ORDAINED this 20th day of September, 2002010

ATTEST

Michelle Bustensky

South Buffalo Township
(Name of municipality)

By: Lee V. G. H.

By: Thomas Borowski

By: Dave Bustensky

UCC Program Participation Agreement

WHEREAS, municipalities within Armstrong County have established a cooperative group known as the Armstrong UCC Group, ("Group") of Armstrong County; and

WHEREAS, the State has implemented Act 45, the Uniform Construction code; and

NOW THEREFORE, the Group does hereby establish a voluntary Uniform Construction Code Program, for the purchase of State certified third party inspection services by participating municipalities, to be known as the Armstrong Uniform Construction Code Program for the Purchase of Third Party Code Administration Services, hereafter referred to as the Purchasing Program.

1. Participation in the program requires each municipality to annually appoint a person to serve as a member representative to the Appeals Board. This appointment must be made before any services afforded by the Group may be utilized.
2. Program participants shall meet at least three times a year; members are required to attend no less than two of the scheduled meetings.
3. The Group will issue a Request for Proposal for code administration of Act 45. Once all proposals are received, the qualifications of all submitting third party inspection agencies will be verified. Said verification shall consist of confirming state registration of the firm and its employees in the categories necessary to administer the Uniform Construction Code.
4. A summary of the qualified fee proposals will be submitted to all program participants. The participating municipalities agree to have the Group execute one contract on all their behalf with the third party agency(s). An executed copy of this contract will be supplied to all participating municipalities.
5. Participating municipalities agree to limit contracts for third party inspection agency administration of the Uniform Construction Code to only the selected third party agency.
6. Said contracts shall be for a period of one year with an option to extend and shall limit the fees of the agency to that specified in their respective proposals. Contracts shall also contain provisions stating that the third party agency agrees to contract with all Armstrong County municipalities participating in the program.

IN WITNESS THEREOF, the foregoing agreement is entered into and endorsed this 21ST day of June, 2010.

Name SOUTH Buffalo Township
(Municipality)
By Greg Van Dyke
(Chair/President)

Resolution 9-10

UCC Group By Laws

Be it resolved by authority of the Board of Supervisors of South Buffalo Township, Armstrong County, and it is hereby resolved by authority of the same that the Board of Supervisors of said Municipality accept the terms and conditions set forth in the Armstrong UCC Group By Laws this 20th day of Sept, the year 2010.

Michael Bistensky

Secretary

Supervisors Signatures

Terry Van Dyke

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ENACTED and ORDAINED this 20th day of September, 2002010

ATTEST

Michelle Bustensky

South Buffalo Township
(Name of municipality)

By: Ken V. G. H.

By: Thomas Boraski

By: Dave Bustensky

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IN WITNESS THEREOF, the foregoing agreement is entered into and endorsed this 21st day of June, 2010.

Name South Buffalo Township
(Municipality)

By Tony Van Dyke
(Chair/President)

Resolution 9-10

UCC Group By Laws

Be it resolved by authority of the Board of Supervisors of South Buffalo Township, Armstrong County, and it is hereby resolved by authority of the same that the Board of Supervisors of said Municipality accept the terms and conditions set forth in the Armstrong UCC Group By Laws this 20th day of Sept, the year 2010.

Michael Biedensky

Secretary

Supervisors Signatures

Jim Valby

The Armstrong UCC Group

By Laws

PREAMBLE

We, the elected representatives of municipalities within the County of Armstrong recognize that many of the problems and needs confronting this county are independent of political boundaries; that any solutions to our problems and the programs that we formulate to meet our common needs will have a greater chance of success if they are undertaken jointly and in a cooperative manner.

Therefore, the representatives of the Townships, Boroughs and Cities of Armstrong County hereby join together to form the Armstrong UCC Group.

The overriding goal of the Armstrong UCC Group is to provide quality government and programs for the residents of the member municipalities. We believe that this goal can best be achieved through cooperative efforts by the participating municipalities. This involves combining our various resources to meet challenges, which may be beyond our individual capabilities.

The key to the success of the Armstrong UCC Group is for all municipal officials to exhibit a strong commitment to seek the solution of common problems within the context of the group. We recognize that decisions made by this group could possibly be of better quality than could be achieved by individual municipal actions.

ARTICLE I - NAME

The name of this organization shall be the "Armstrong UCC Group" and henceforth may be referred to as the "Group".

ARTICLE II - PURPOSE

The intention of the founders of the "Group" was to foster a cooperative atmosphere in an effort to resolve problems, to determine policies, and to formulate plans and programs to meet the group's collective needs. The "Group" has grown to embrace a number of purposes, all related to the original design of the founders. These are:

- A. **Forum:** To serve as a mutual forum to identify, discuss, study and bring into focus Group issues and needs.
- B. **Communication & Coordination:** To provide the organizational structure necessary to

ensure effective communications and coordination among municipalities.

- C. **Policies & Priorities:** To foster, develop and review policies, plans and priorities to better serve the residents of the individual municipalities.

ARTICLES III- POWERS & SCOPE OF AUTHORITY

As specified in the Pennsylvania Intergovernmental Cooperation Law (Act 180 of 1972, as amended in 1986), municipalities may cooperate in the exercise or performance of their respective governmental functions, powers or responsibilities. It is the intention of the municipalities subscribing to these bylaws that the "Group" may establish any program and perform any function permitted in the enabling legislation and subsequently agreed to by the member municipalities. In order to carry out these activities, it is hereby agreed that unless otherwise specified below, upon approval of a majority vote of the "Group", the "Group" may:

- A. employ staff in permanent or temporary, part-time or full-time positions as necessary, according to adopted policies;
- B. establish employee benefit programs and enter into contracts for social security, group insurance or other benefits;
- C. receive, administer and dispense funds from municipal, state, federal or other sources;
- D. borrow and/or contract for the repayment of funds, and when the amount of the proposed borrowing exceeds 1-1/2% of the total budget figure for the "Group", including fund balances, or when the instrument for re-payment of that debt has a term of five years or more, unanimous approval of all municipalities is required.
- E. acquire, manage, license, lease or dispose of real property, as specified in these Bylaws and in accordance with executed contracts;
- F. acquire, manage, license, or dispose of personal property as specified in these Bylaws and in accordance with executed contracts;
- G. establish in these Bylaws such organizational structure as deemed necessary;
- H. contract for services;
- I. initiate, advise, aid in the establishment of or amend cooperative agreements among local governments in the "Group";
- J. propose, initiate, implement or revise studies, policy discussions and plans for the "Group";
- K. make recommendations to any local governments or other appropriate agencies or

entities; and

- L take other actions consistent with the enabling legislation and the terms of these Bylaws

ARTICLE IV MEMBERSHIP

- A. **Eligibility:** Voting membership shall be open initially to the Townships, Boroughs and Cities within Armstrong County.

Non-voting membership shall be open to any organization designated by the voting membership.

- B. **Representation:** its elected governing officials or a "Designated Representative" with written documentation of the designee's appointment shall officially represent each member municipality. A municipality may also include its mayor as a representative.
- C. **Admission:** Each member municipality must subscribe by resolution to these Bylaws and agree to be bound to the extent provided in these Bylaws and other agreements adopted by the "Group".

Additional municipalities may become members of the "Group" in accordance with the following procedures:

1. The municipality wishing to be considered for membership shall submit a letter of interest to the "Group".
2. Upon receipt of a request for admission to membership, the "Group" shall consider how the expanded membership will affect the groups' common interests and its ability to accomplish its stated purposes.
3. The "Group" will approve or disapprove the membership request within 90 days of its receipt. All membership actions shall require approval by all the current member municipalities.
4. In approving a membership request, the "Group" shall state the terms and conditions for membership, which may include, but not be limited to, proportionate reimbursements for past capital expenditures.
5. If the "Group" approves a request, a municipality shall signify its acceptance of the terms of membership by enacting within 60 days a resolution approving the bylaws and other terms and conditions.

6. The "Group" may approve contracts to provide services to nonmember municipalities and other agencies without requiring membership as a condition of participation.

E. **Withdrawal:** A member municipality shall have the right to withdraw from the "Group" at the end of any contract period (for programs in which they participate) by giving 120 days prior written notice to the "Group" chair. This notice shall be in the form of a resolution approved by the elected Board/Council. A municipality's withdrawal will in no way serve to void or lessen any previous financial obligation incurred by that municipality as a member of the "Group".

ARTICLE V PROGRAM PARTICIPATION

Upon admission to membership in the "Group", a municipality has the right to participate in any program offered. Programs are activities performed by agencies of the "Group" on behalf of the member municipalities, which relate to production and provision of governmental services to the public. Programs have the following characteristics: 1) they produce a service or other clearly definable outputs; and 2) they are expected to have an ongoing commitment of personnel, capital and financial resources.

A. **Admission:**

Municipalities may participate in a program in one of two ways:

1. Those municipalities in Armstrong County belonging to the "Group" have a voice in all aspects of the program, beginning with the design and adoption of the policies and guidelines.

To participate in a program, a "Group" member must agree to the specific Program Guidelines Agreement for the program and file a signed copy with the Armstrong County Office of Planning and Development. This agreement shall establish the specific terms and conditions for the scope of services that will be provided, and shall indicate under what circumstances those services may be expanded or reduced.

2. At the discretion of the member municipalities, those not belonging to the "Group" may obtain a program service by contract. No representation or voting rights will accompany this privilege.
 - a. Program costs for non-member municipal and non-municipal organizations shall be set by the "Group".
 - b. Examples of such groups include but are not limited to: Municipal Authorities within Armstrong County along with Municipal or County governments and Authorities outside of Armstrong County.

B. Powers & Responsibility:

1. Voting

A participant who is a member of the "Group" shall have the right to vote both in the program committees and in the General Forum on issues regarding the program.

2. Withdrawal

- a. Program participants shall have the right to withdraw from the program at the end of any contract expiration by giving 120 days prior written notice to the Program Chair. This notice shall be in the form of a resolution approved by the governing body of the organization. Withdrawal will in no way serve to void or lessen any previous financial obligation incurred by that participant.
- b. Those participants electing to withdraw from the group and wishing to re-join the group may do so only within the 90 days preceding the final 30 days of any contract period.

ARTICLE VI ORGANIZATION

A. **Officers:** The officers for the programs within the "Group" shall be a chairman and a vice-chairman, and such other officers as from time to time shall be provided for by the "Group". Officers shall be elected at the program organizational meeting from the membership present, and shall hold office for one year from the organizational meeting until their respective successors have been duly elected. No person shall hold more than one office, except that the chairman and vice chairman shall simultaneously serve as the chairman and vice chairman of the Executive Committee.

1. **Office of the Chairman** - The chairman shall be nominated and elected by the programs' participants. The chairman shall preside at all meetings of the program, The chairman shall: appoint special committees, which the program may from time to time deem necessary; decide all questions of order; and have other powers and perform such other duties as are incumbent upon the office.
2. **Office of the Vice Chairman** - The vice chairman shall be nominated and elected by the programs' participants. The vice chairman shall perform and have powers of the chair when the chair is absent, is unable to, or refuses to serve. If the office of chair becomes vacant, the vice chairman shall become acting chair for the un-expired term and a new acting vice chairman shall be elected at the next program meeting. .

In the event the chairman or vice-chairman is not re-elected, is unable to serve, or is removed for any reason at the municipal elections, the program participants shall appoint a replacement who will assume all the responsibilities of the position.

B. General Forum

1. General Policy Body - The member municipalities shall be the general policy body of the program.
2. Meetings The group participants shall meet at least six times a year, members are required to attend no less than one half (1/2) of scheduled meetings. Additional meetings may take place upon call of its chair or Executive Committee or by petition of two or more of the member municipalities. During the month of January, the program participants shall conduct an organizational meeting to elect Officers and designate regular meeting dates. Except in an extreme emergency, a special meeting shall require that a minimum notice of one week be provided to the chair/president or manager of each municipality. Any municipality failing to attend at least one-half of the scheduled meetings shall have their membership revoked. Reinstatement shall be at the discretion of the Group.
3. Responsibilities - As the general policy body of the program, the member municipalities are responsible both for considering and for carrying out the programs and functions agreed to by the participating municipalities. The member municipalities, in accordance with all provisions of these Bylaws, shall:
 - a. annually nominate and elect a chairman, a vice-chairman and any other officers deemed necessary by the "Group";
 - b. adopt a budget for the next fiscal year;
 - c. resolve membership and participation questions;
 - d. act on amendments to the bylaws;
 - e. act on all proposals intended to initiate, continue and or modify the policies or functions of the group.

C. Committees: The "Group" may establish such standing, special or ad hoc committees as deemed appropriate to conduct its business. Examples of committees may include, but not be limited to, Executive, Finance, Public Services, Personnel and Code Administration. An activation of a committee and appointment to a committee must either be done by the Chairman, or a majority vote of those municipalities present.

D. Rules of Order: The latest edition of Roberts' Rules of Order shall govern any matter pertaining to the conduct of any meeting and the procedure thereof.

ARTICLE VII QUORUM & VOTING

- A. Voting: Each member municipality shall have one "unit vote". Unless otherwise stated, all actions shall require a simple majority vote.
- B. Quorum: A quorum of the program participants shall be declared if five (5) Member municipalities are represented.

ARTICLE VIII AMENDMENTS

Amendments to the Bylaws must be initially approved by a majority vote of the "Group". In order to be adopted, the amendment must be approved by a majority vote at a second General Forum meeting. Amendments shall be effective upon approval and remain in effect for a period of not less than one (1) year from the date of approval.

IN WITNESS WHEREOF, the elected representatives of the municipalities comprising the "Group" hereto have caused these bylaws to be executed by their proper officers pursuant to the authority vested in them by the governing bodies, this _____ day of _____ 2007.