

RESOLUTION NO. 8 2014 - _

An Agreement among Forty Fort Borough and West Side Council of Governments regarding the use of equipment, financing of equipment, and enforcement of violations

1. WEST SIDE COUNCIL OF GOVERNMENTS (WSCOG) BY-LAWS REGARDING FINANCES AND OPERATIONAL PROCEDURES

- a) Fiscal Year. The fiscal year shall begin on January 1 and end on December 31.
- b) Participants' Status. Participants' financial obligations for operation and maintenance of equipment will be fairly divided based on usage of said machine. The first year shall be cost divided by number of participants. Subsequent years will be based on the previous year's annual hourly usage. For the first year of operation, the estimated costs obligations are as follows:
 - i. **Vac Truck** insurance (\$1,732) and maintenance (\$4,200). Costs (\$5,932 divided by 8 municipalities participating = \$742 each). Participating municipalities are Exeter, Forty Fort, Swoyersville, Kingston, West Wyoming, Luzerne, West Pittston, and Wyoming.
 - ii. **Street Sweeper** insurance (\$887) and maintenance (\$20,000). Costs (\$20,887 divided by 11 municipalities = \$1,899 each) Participating municipalities are Exeter, Forty Fort, Swoyersville, Kingston, West Wyoming, Larksville, Luzerne, West Pittston, Wyoming, Edwardsville, and Plymouth.
 - iii. **Asphalt Recycler Hot Box** insurance (\$281) and maintenance (\$550). Costs (\$831 divided by 7 municipalities = \$119 each) Participating municipalities are Exeter, Forty Fort, Swoyersville, Kingston, West Wyoming, Larksville and Edwardsville.
 - iv. **All other costs associated with equipment not listed herein, which have not been paid in advance by a participant, shall be divided equally among the municipalities using the equipment and payable within 30 days of the close of Fiscal Year**
- c) Cash Obligations By Participants will be paid to the WSCOG. Participants agree to an initial cash contribution, which shall be received prior to first use, based on equipment utilized and number of municipalities participating divided equally among the participants for the operation and maintenance of the jointly owned equipment. The amount of the cash contributions shall be reviewed on an annual basis and approved with a unanimous vote. Any excess funds remaining after conclusion of a calendar year shall be applied to the fund balance of the WSCOG or returned to participating municipalities as voted upon.
- d) Each Entity will appoint one Employee for the Operation and Maintenance of jointly owned Equipment or will make arrangement for exchange of services with municipalities having trained workers. Each Entity will be responsible for fuel and labor and will fill tank before moving to next location. The WSCOG will

its jurisdiction, and work with all other participants to ensure proper enforcement in all jurisdictions

II. Each Participant's law enforcement agencies are authorized to proceed in the usual fashions for ordinance violation and fines, and any fines collected shall belong to the enforcing municipality(ies).

v. Other. The Participants agree to provide other in-kind services to the WSCOG, such as legal representation, use of equipment, and other services as is reasonable, customary, and agreed upon by the Participants.

h) Annual Budget. The proposed budget of the WSCOG for the following year shall be submitted to the Participants no later than September 1st for their review. Each Participant shall approve or reject the proposed budget and notify the WSCOG of the same on or before November 1st of each year. Approval of the budget by a majority of the Participants shall be required for adoption of the budget by the WSCOG. If the budget has not been approved by January 1 of the new-year, the prior year's budget will remain in operation until a majority approval is reached.

i) Receipt of Funds. The WSCOG may apply for, secure, acquire, receive, administer, and dispense funds from municipal, state, federal, private or other sources.

j) Fees and Profit. The WSCOG may charge fees as they deem appropriate, keep all reserves derived from those fees, and invest said fees in an interest bearing account used for future WSCOG purposes. WSCOG participants shall determine the fees by a majority vote

k) The Chair and Vice Chair of the WSCOG are authorized to sign all contracts on behalf of the WSCOG provided majority approval has been given by the WSCOG Participants.

l) Audit. Upon request by a Participant member or change of treasurer, an annual Audit may be completed by an independent Certified Public Accountant (CPA).

NOW, THEREFORE, this Resolution takes effective on the first business day following its adoption.

ADOPTED at a Forty Fort Borough Council Meeting on April 7, 2014 and at a meeting of the West Side Council of Government on April 7th, 2014.

Forty Fort Borough Council

By:


Jeff McLaughlin, President

WEST SIDE COUNCIL OF GOVERNMENTS