

hereby appropriated to the Department of Highways for this purpose.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 18th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 345

AN ACT

Reenacting and amending the act of May 21, 1943 (P. L. 340), entitled, as amended, "An act empowering municipality authorities, cities of the third class, boroughs, incorporated towns and townships, adjoining each other, to co-operate with each other through joint agreements in the exercise of their governmental powers, duties and functions," extending the act to counties of the third, fourth, fifth, sixth, seventh and eighth classes; further regulating joint purchases and the supply and exchange of certain services and functions; and providing for the appointment of optional joint advisory boards, and prescribing their powers and duties.

Cooperation between certain municipalities in the exercise of certain governmental powers.

Title and sections 1 and 2, act of May 21, 1943, P. L. 340, reenacted and amended September 29, 1959, P. L. 990, further reenacted and amended.

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

Section 1. The title and sections 1 and 2, act of May 21, 1943 (P. L. 340), entitled, as amended, "An act empowering municipality authorities, cities of the third class, boroughs, incorporated towns and townships, adjoining each other, to co-operate with each other through joint agreements in the exercise of their governmental powers, duties and functions," reenacted and amended September 29, 1959 (P. L. 990), are reenacted and amended to read:

AN ACT

New title.

Empowering counties of the third, fourth, fifth, sixth, seventh and eighth classes municipality authorities, cities of the third class, boroughs, incorporated towns and townships, adjoining each other, to co-operate with each other through joint agreements in the exercise of their governmental powers, duties and functions.

Definition.

Section 1. The word "municipality" as used in this act shall include *counties of the third, fourth, fifth, sixth, seventh and eighth classes* municipality authorities subject to the act of May 2, 1945 (P. L. 382), known as the "Municipality Authorities Act of 1945," cities of the third class, boroughs, incorporated towns and townships.

Functions of each may be performed jointly by agreement.

Section 2. Two or more adjoining municipalities may jointly co-operate in the exercise and in the performance of their respective governmental powers, duties and

functions and in carrying into effect provisions of law relating to said subjects which are common to all of such joining municipalities, and which each may, under existing law, separately exercise and perform. *Municipal services and functions which may be separately exercised and performed under such existing provisions of law may be supplied or exchanged by municipalities under the joint agreements.* For the purpose of carrying the provisions of this act into effect the municipalities joining shall enter into such joint agreements as may be deemed appropriate for such purposes.

Section 2. The act is amended by adding, after section 2, a new section to read:

Section 2.1. (a) Municipalities may establish optional joint advisory boards to aid and advise them in ways and means of effectuating the purposes authorized by this act. Whenever such an advisory board is established, the governing body of each municipality shall, by majority vote, select one of its number to act as its representative on the board. Each representative shall serve without compensation but shall be entitled to receive traveling and other necessary expenses actually incurred in the performance of his duties. Any vacancy on the board caused by death, resignation or otherwise shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made.

(b) Any agreement creating an optional joint advisory board shall contain, but not be limited to, provisions relating to—

(1) The nature and scope of activities with respect to which the board shall make studies, recommend programs and policies, and give advice to the cooperating municipalities;

(2) The manner in which the board shall make reports;

(3) The furnishing by the cooperating municipalities of office space, facilities, equipment and supplies, and such professional, technical or clerical personnel as may be required in the work of the board;

(4) Sharing of expenses of the board; and

(5) Any other provision that may be appropriate and desirable to govern the establishment, functioning and termination of the board.

Section 3. Sections 3, 4, 5 and 6 of the act, reenacted and amended September 29, 1959 (P. L. 990), are reenacted and amended to read:

Section 3. Any joint agreement shall be deemed in force as to any particular municipality, when the same

Act amended by adding a new section 2.1.

Optional Joint Advisory Boards: establishment, membership, compensation and appointment to vacancy.

Agreement provisions.

Sections 3, 4, 5 and 6 of the act reenacted and amended September 29, 1959, P. L. 990, further reenacted and amended.

Agreements binding and enforceable.

has been adopted by ordinance, or in the case of townships of the second class or municipality authorities, by resolution. After adoption, any such agreement shall become binding upon the municipality, and the covenants thereof may be enforced by appropriate remedy by any one or more municipalities against any other municipal party thereto.

Terms of agreement.

Section 4. Every such agreement shall set forth, inter alia, the particulars relating to the manner of cooperation, the means by and through which such cooperation shall be effectuated, including, if any, the employment of joint personnel, the employment and retaining of planning engineers or consultants, the contracting for professional planning services and the purchase of personal property and materials for the joint use of the municipalities, the allocation of the costs and expenses connected with the administration of the joint agreement upon an equitable basis, the term for which the agreement shall be in force, and the manner in which the same may be renewed for another term, and the manner in which joint property shall be disposed of or shared upon the termination of the agreement. Amendments to any agreement shall be adopted in the same manner as the original agreement.

Joint purchases and expenditures.

Section 5. All joint purchases involving an expenditure of more than [five hundred dollars (\$500)] *one thousand dollars (\$1000)*, shall be made by contract, in writing, only after notice for bids once a week for two weeks in at least one and not more than two newspapers of general circulation circulating generally in the joining municipalities. All contracts shall be let to the lowest responsible bidder.

Limitations.

Section 6. This act shall not be construed to authorize one municipality to delegate any of its powers, duties and functions to another municipality, nor to authorize one municipality to exercise such powers, duties or functions on behalf of another municipality.

General repeal.

Section 4. All acts and parts of acts inconsistent herewith are repealed.

Act effective immediately.

Section 5. This act shall take effect immediately.

APPROVED—The 18th day of July, A. D. 1961.

DAVID L. LAWRENCE