

## No. 2019-80

## AN ACT

## HB 510

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

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

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

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

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

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

(c) **Council of governing bodies.**—**An intergovernmental agreement creating a council or consortium of governing bodies or similar entity separate from the organizing governing bodies may not be entered into unless by ordinance. A municipality may join an existing intergovernmental cooperation agreement of other municipalities whereby such an entity was created by resolution or by ordinance.**

§ 2307. Content of ordinance **or resolution**.

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

- (1) The conditions of agreement in the case of cooperation with or delegation to other local governments, the Commonwealth, other states or the Federal Government.
- (2) The duration of the term of the agreement.
- (3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
- (4) The manner and extent of financing the agreement.

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

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

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

§ 2310. Joint purchases with private educational establishments.

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

§ 2314. Required review of specified agreements.

(a) General rule.—An agreement between a local government and the Federal Government, the Commonwealth, any other state or government of another state under the provisions of this subchapter shall, prior to and as a condition precedent to enactment of an ordinance *or resolution*, be submitted to the Local Government Commission for review and recommendation. *An agreement exclusively between a local government and an authority as defined in section 5602 (relating to definitions) shall not be subject to the requirements under this section.*

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§ 2315. Effect of joint cooperation agreements.

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

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

APPROVED—The 7th day of November, A.D. 2019

TOM WOLF