

No. 39

AN ACT

SB 878

Providing for the establishment and dissolution of government of areas and their powers involving two or more municipalities or parts thereof.

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

ARTICLE I

Short Title; Definitions; Applicability

Section 101. Short Title.—This act shall be known and may be cited as the “Environmental Improvement Compact.”

Section 102. Definitions.—As used in this act:

(1) “Environmental improvement compact,” means a structure of government and powers concerning one or more municipal functions involving two or more municipalities within the Commonwealth of Pennsylvania under procedures established within this act.

(2) “Board” means the Environmental Improvement Compact Board elected under the provisions of this act.

(3) “Election officials” means the county boards of election, except in Philadelphia where “elections officials” means the City Board of Elections.

(4) “Electors” means the registered voters of any municipality involved in proceedings relating to the Environmental Improvement Compact.

(5) “Governing bodies” means boards of county commissioners, city councils and mayors, borough or incorporated town councils and mayors, commissioners of townships of the first class and supervisors of townships of the second class, as defined in existing law or any newly created governmental body.

(6) “Municipality” means county, city, borough, incorporated town or township.

Section 103. Applicability.—This act establishes the procedure for and shall apply to environmental improvement compacts of all municipalities, including home rule municipalities.

ARTICLE II

Initiative

Section 201. Proposal by Electors.—A referendum on the question of the creation of an environmental improvement compact may be initiated by electors of two or more municipalities as herein provided.

Section 202. Initiative Petition; Filing.—(a) A petition containing a

proposal for referendum on the question of adopting an environmental improvement compact on one or more municipal functions, signed by electors comprising two per cent of the number of electors voting for the office of Governor in the last gubernatorial general election in each municipality involved may be filed with the election officials at least ninety days prior to the next primary held in an even-numbered year or general election.

(b) The petition shall designate a five, seven or nine member board.

(c) The name and address of the person filing the petition shall be clearly stated on the petition.

Section 203. Review of Initiative Petition.—The election officials shall, within ten days after filing, review the initiative petition as to the number and qualifications of signers. If the petition appears to be defective, the election officials shall immediately notify the person filing the petition of the defect.

Section 204. Petition as Public Record.—The initiative petition as submitted to the election officials along with the list of signatories shall be open to public inspection in the office of the election officials.

Section 205. Distribution of Petition.—When the election officials find that the petition as submitted is in proper order, they shall send copies of the initiative petition without signatures thereon to the governing body of the municipalities involved and to the Secretary of Community Affairs.

ARTICLE III

Municipal Referendum Ordinance

Section 301. Referendum Ordinance.—The governing bodies of two or more municipalities may, by ordinance in each municipality, provide for a referendum on the question of adopting an environmental improvement compact. Ordinances shall designate a five, seven or nine member board.

Section 302. Filing of Referendum Ordinance.—(a) The referendum ordinance shall be filed with the election officials at least ninety days prior to the next primary or general election.

(b) When the ordinances are filed with the election officials, copies of the referendum ordinance shall be immediately filed with the Secretary of Community Affairs.

Section 303. Notice to Governing Bodies of Referendum Date.—The election officials shall notify the governing bodies of the municipalities involved of the date set for the referendum election on the proposal at least thirty days before the election.

ARTICLE IV

Referendum

Section 401. Referendum Procedures.—(a) A referendum on the

question of the adoption of an environmental improvement compact shall be held after authorization by ordinance of the governing bodies of the municipalities in accordance with Article III of this act, or when initiated by electors of the municipalities in accordance with Article II of this act.

(b) The procedure for the referendum shall be governed by the act of June 3, 1937 (P.L.1333), known as the "Pennsylvania Election Code."

Section 402. Placing Question on Ballot.—When the election officials find the ordinances authorized by the governing bodies of the municipalities or the initiative petition as submitted by the electors meets the requirements of this act, they shall place the proposal on the ballot in a manner fairly representing the content of the ordinances or of the initiative petition for decision by referendum at the proper election.

Section 403. Date of Election.—The election officials shall certify the date for the referendum, and shall so notify the governing bodies of the municipalities at least thirty days prior to such date.

Section 404. Public Notice of Referendum.—At least thirty days' notice of the referendum shall be given by proclamation of the mayors of the cities, boroughs or incorporated towns, by the chairman of the boards of county commissioners, by the presidents of the boards of township commissioners, or by the chairman of the boards of township supervisors, as the case may be. A copy of the proclamation shall be posted at each polling place of the municipalities on the day of the election, and shall be published once in at least one newspaper of general circulation in the municipalities during the thirty-day period prior to the election.

Section 405. Approval.—Approval of a referendum for the adoption of an environmental improvement compact, shall be by a majority vote of those voting in each municipality involved.

Section 406. Results of Election.—The election officials shall certify the results of the referendum to the governing bodies, and the Secretary of Community Affairs.

ARTICLE V

Election of Board

Section 501. Election of Board.—(a) If a referendum for the adoption of an environmental improvement compact is approved by a majority of voters in each municipality involved, the governing bodies shall, within thirty days of certification of the results of the referendum election, submit to the election officials a petition to provide for the election of the board.

(b) The majority of the members to be elected to the first board receiving the highest number of votes in the election shall serve for four-year terms, while the remainder shall serve for two-year terms; thereafter, all candidates for the board shall have four-year terms.

(c) Members of the board shall be elected at the next municipal election not less than ninety days from the date of the referendum.

Section 502. Nomination of Candidates.—Candidates for membership on the board shall be electors of the municipalities involved.

Each shall be nominated by nomination papers signed by a number of electors in their municipality or residence which is affected by the compact equal to at least two per cent of the largest vote cast for any elected officer of the municipality elected at the last preceding municipal election. Their nomination shall be in the manner provided by and subject to the provisions of the act of June 3, 1937 (P.L.1333), known as the "Pennsylvania Election Code," which relate to the nomination of candidates nominated by nomination papers filed by political bodies for other offices elected by the voters of the municipality. Nomination papers shall not be circulated prior to thirty days before the last day on which such papers shall be filed, and shall be filed with the election officials not less than forty-four days prior to the date of the election.

Section 503. Election Returns.—The result of the votes cast for members of the board at the municipal election shall be returned by the election officials to the governing bodies of municipalities involved and to the Secretary of Community Affairs.

ARTICLE VI Organization of Board

Section 601. Membership of Board.—The board shall be composed of five, seven or nine members as provided in Article V of this act.

Section 602. Compensation of Board.—A majority of all the members of the governing bodies of the municipalities involved shall set the annual compensation for the members of the board.

Section 603. Organization of Board.—On the first Monday of January following the municipal election, members of the board shall assemble at a designated meeting place and shall organize by electing one of their own members as chairman, and he shall preside at all meetings and perform other duties as the board may prescribe. In the absence of the chairman, the board shall elect a temporary presiding officer. The board shall adopt rules for its procedure and conduct of business. Thereafter, whenever a vacancy has occurred, the vacancy shall be filled by an elector from the municipalities involved, appointed by the remaining members of the board.

Section 604. Secretary and Treasurer of the Board.—(a) The board shall appoint a secretary who shall keep the records and minutes of the board proceedings, maintain a record of other official activities, and perform other functions as required by law.

(b) The board shall appoint a treasurer. The treasurer shall collect or receive such taxes, assessments and other funds due the board.

Section 605. Purposes and Powers; General.—(a) Every board created

under this act shall be a body corporate and politic, and shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee for any government function of two or more municipalities.

(b) Every board is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting, the generality of the foregoing, the following rights and powers:

(1) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(2) To adopt, use and alter at will, a seal of the board.

(3) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the board, and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it.

(4) To acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects.

(5) To make bylaws for the management and regulation of its affairs.

(6) To appoint officers, agents, employes and servants, to prescribe their duties and to fix their compensation.

(7) To fix and collect taxes not to exceed two mills of real estate within the municipalities involved, also to charge and collect rates and other charges in the area served by its facilities at reasonable and uniform rates to be determined by it, for the purpose of providing for the payment of the expenses of the board, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, or with municipalities served or to be served by said board. Any person questioning the reasonableness or uniformity of any rate fixed by any board or the adequacy, safety and reasonableness of the board's services, including extension thereof, may bring suit against the board in the court of common pleas of the county wherein the project is located or if the project is located in more than one county, then in the court of common pleas of the county wherein the principal office of the project is located. The court of common pleas shall have exclusive jurisdiction to determine all such questions involving rates or services. Appeals may be taken to the Superior Court within thirty days after the court of common pleas has rendered a final decision.

(8) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the board, said bonds to have a maturity date not longer than thirty years from the date of issue, except that no refunding bonds shall have a maturity date later than the life of the board,

and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the board shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof, and in respect to any project constructed and operated under agreement with any board or any public authority of any adjoining state, to borrow money and issue such notes, bonds and other evidences of indebtedness and obligations jointly with any such authority.

(9) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(10) Without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases or other transactions with any Federal agency, Commonwealth of Pennsylvania municipality, school district, corporation or authority.

(11) To have the power of eminent domain, with the consent of the county commissioners of the county where the land is located and with the consent of council in cities of the first class.

(12) To pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the board as security for all or any of the obligations of the board.

(13) To do all acts and things necessary or convenient for the promotion of its business and the general welfare of the board, to carry out the powers granted to it by this act or any other acts.

(14) To enter into contracts of group insurance for the benefit of its employes, and to set up a retirement or pension fund for such employes.

ARTICLE VII

Effective Date

Section 701. Effective Date.—This act shall take effect immediately.

APPROVED—The 16th day of March, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 39.



Secretary of the Commonwealth.