

No. 180

AN ACT

SB 457

Relating to intergovernmental cooperation.

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

Section 1. As used in this act, "municipality" means a county, city of the second class, second class A and third class, borough, incorporated town, township, school district or any other similar general purpose unit of government which shall hereafter be created by the General Assembly.

Section 2. This act shall not apply to any agreement entered into by a city of the first class nor to any agreement entered into between a municipality and a city of the first class.

Section 3. Two or more municipalities in this Commonwealth may jointly cooperate, or any municipality or municipalities may jointly cooperate with any municipality or municipalities located in any other state, in the exercise or in the performance of their respective governmental functions, powers or responsibilities. For the purpose of carrying the provisions of this act into effect the municipalities cooperating shall enter into such joint agreements as may be deemed appropriate for such purposes.

Section 4. A municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with, or delegate or transfer any function, power or responsibility to one or more other governmental units including other municipalities or districts, the Federal Government, any other state or its governmental units, or any newly created governmental unit.

Section 5. A municipality may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to another governmental unit or political subdivision upon the passage of an ordinance by its governing body. If mandated by initiative and referendum in the area affected, it shall adopt such an ordinance.

Section 6. Initiative means the filing with the appropriate election officials at least ninety days prior to the next primary or general election, of a petition containing a proposal for referendum signed by electors comprising five per cent of the number of electors voting for the office of Governor in the last gubernatorial election in each municipality or area affected. The applicable election officials shall place the proposal on the ballot in a manner fairly representing the content of the petition for decision by referendum at said election. Initiative on a similar question shall not be submitted more often than once in five years.

Referendum means approval of a question placed on the ballot by initiative by a majority vote of the electors voting thereon.

Section 7. The ordinance adopted by the governing body of a municipality entering into intergovernmental cooperation or delegating or transferring any functions, powers or responsibilities shall specify:

(1) The conditions of agreement in the case of cooperation with or delegation to other municipalities, the Commonwealth of Pennsylvania, other states, or the Federal Government;

(2) The duration of the term of the agreement;

(3) The purpose and objectives of 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 property, real or personal, shall be acquired, managed or disposed of.

Section 8. Every agreement between a municipality and the Commonwealth of Pennsylvania, any other state, municipality of another state or the Federal Government under the provisions of this act shall, prior to and as a condition precedent to enactment of an ordinance be submitted to the Local Government Commission for review and recommendation. The Local Government Commission shall within sixty days of receipt of said agreement determine whether it is in proper form and compatible with the laws of this Commonwealth. Failure of the Local Government Commission to make recommendations within sixty days of receipt of the agreement shall constitute a recommendation in favor of the agreement.

Section 9. Any joint cooperation agreement shall be deemed in force as to any municipality, when the same has been adopted by ordinance by all cooperating municipalities. After adoption by all cooperating municipalities, any such agreement shall be binding upon the municipality, and the covenants thereof may be enforced by appropriate remedy by any one or more of the municipalities against any other municipality party thereto.

Section 10. 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, and counties other than counties of the first and second class, to co-operate with each other and with local governmental units in other states through joint agreements in the exercise of their governmental powers, duties and functions," is repealed absolutely.

Section 11. This act shall take effect immediately.

APPROVED—The 12th day of July, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 180.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.