

TOWNSHIP OF WINFIELD
ORDINANCE NO. 303

AN ORDINANCE OF WINFIELD TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, AUTHORIZING WINFIELD TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND BETWEEN THE SOUTH BUTLER COUNTY SCHOOL DISTRICT, THE BOROUGH OF SAXONBURG, CLINTON TOWNSHIP, JEFFERSON TOWNSHIP, PENN TOWNSHIP, AND WINFIELD TOWNSHIP, ALL SITUATED IN BUTLER COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF JOINTLY COOPERATING WITH RESPECT TO THE COLLECTION OF EARNED INCOME TAXES.

WHEREAS, Winfield Township is permitted pursuant to the authority of Section 10(b) of Act 511 OF 1965, as amended, 53 P.S. § 6910(b), to enter into an Intergovernmental Cooperation Agreement with the other taxing bodies identified above; and,

WHEREAS, Winfield Township, and the other taxing bodies identified above desire to enter into an Intergovernmental Cooperation Agreement whereby the taxing bodies will form an Earned Income Tax Committee pursuant to the terms of the Intergovernmental Cooperation Agreement and said Committee will be empowered to take actions as set forth therein; and,

WHEREAS, the Board of Supervisors at Winfield Township believes that the entering into the Intergovernmental Cooperation Agreement by Winfield Township will be to the benefit of the residents of Winfield Township.

The Board of Supervisors of Winfield Township, Butler County, Pennsylvania do hereby ordain and enact the following Ordinance::

Section 1. The Board of Supervisors of Winfield Township, Butler County, hereby approves and adopts the Intergovernmental Cooperation Agreement for the formation of an Earned Income Tax Committee by and between South Butler County School District, the Borough of Saxonburg, Clinton Township, Jefferson Township, Penn Township and Winfield Township (hereinafter the "Agreement") which is attached hereto and incorporated herein by reference as Exhibit A.

Section 2. The Chairman of the Board of Supervisors of Winfield Township and the Supervisors be and hereby are authorized and directed to execute the attached Agreement on behalf of Winfield Township and the Township Secretary is authorized and directed to attest to said execution.


Section 3. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, sentence, section, clause or part of this ordinance, it being the intent of Winfield Township that such remainder shall be and shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances inconsistent herewith expressly are repealed insofar as they conflict with this ordinance.

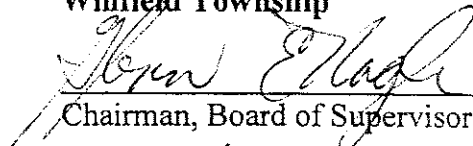
Section 5. This Ordinance shall become effective five (5) days following its adoption by the Board of Supervisors of Winfield Township and the attached Agreement shall become effective only upon approval and ratification by the South Butler County School District and all other municipalities party to the Agreement.

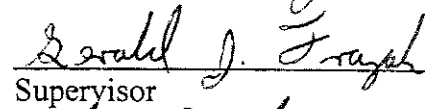
ORDAINED AND ENACTED, this 25 day of September, 2003, by the Winfield Township Board of Supervisors, Butler County, Pennsylvania in lawful session duly assembled.

ATTEST:


Township Secretary

Winfield Township


Chairman, Board of Supervisors


Supervisor


Supervisor

INTERGOVERNMENTAL COOPERATION AGREEMENT

This Agreement, dated this 25 day of September, 2003,

by and between

South Butler County School District (hereinafter "School District"),

the Borough of Saxonburg, Clinton Township, Jefferson Township,

Penn Township, and Winfield Township, all situate in Butler County, Pennsylvania;

WHEREAS, the School District and the municipalities have historically cooperated informally with respect to the collection of earned income taxes through an Earned Income Tax Committee; and,

WHEREAS, the School District and municipalities desire to formally approve the establishment of the Earned Income Tax Committee; and,

WHEREAS, the School District and municipalities, pursuant to Section 10(b) of Act 511 of 1965 as amended, 53 P.S. § 6910(b), desire to enter into this Intergovernmental Cooperation Agreement.

NOW, THEREFORE the School District and municipalities, intending to be legally bound hereby, agree as follows:

1. An Earned Income Tax Committee shall be established consisting of two members appointed by the School District, two members elected by the five municipalities, and one "at large" member to be selected by the four members of the committee.

2. At its reorganization meeting in each odd-numbered year, the Board of School Directors shall appoint two representatives to the Earned Income Tax Committee who shall serve for a period of two years commencing January 1 of the even-numbered year following such

appointment. The representatives to be appointed may be members of the Board of School Directors, or officers or employees of the School District.

3. At their reorganization meeting in each even-numbered year, each municipality shall elect one voting delegate (which may be an elected officer or an appointed official) who shall attend a jointly-advertised meeting of all the municipalities and who shall be empowered to cast a vote or votes on behalf of the municipality to elect two representatives from the municipalities to serve on the Earned Income Tax Committee. On or before January 31 of each even-numbered year, the five voting delegates from the Borough of Saxonburg, Clinton Township, Jefferson Township, Penn Township and Winfield Township, shall gather at a duly-advertised open meeting to be held at a site designated by the School District for its public meetings. At the meeting, the voting delegates shall elect two representatives from the municipalities to serve on the Earned Income Tax Committee. Nominations for representatives shall be made in accordance with Roberts Rules of Order and the procedure contained in such rules for elections shall govern. Each voting delegate shall be entitled to cast no more than two votes in any round of voting. The first two nominees to receive a majority of the ten votes cast in any round of voting at such joint meeting shall serve on the Earned Income Tax Committee for a period of two years commencing January 1 of each even-numbered year.

4. The two representatives appointed by the Board of School Directors and the two representatives elected by the municipalities shall then convene at the same jointly-advertised meeting to elect a fifth member, the member at-large, who shall be a resident of one of the municipalities in the School District and who shall serve a period of two years commencing January 1 of each even-numbered year. The member at-large shall be designated as the

Chairperson of the Committee and shall be empowered to vote only in the event of a tie.

5. The meetings of the Earned Income Tax Committee shall be held in compliance with all applicable provisions of the Sunshine Law, 65 Pa.C.S. §§ 701 *et seq.*

6. The Committee shall be empowered only to take the following actions:

A. Appointing and establishing the compensation of the person or agency to be designated as the Earned Income Tax Commissioner or Collector for the School District and the municipalities; provided, that no person or agency shall be appointed for a period of longer than six (6) months after completion of any Committee's two-year term on December 31 of each odd-numbered year.

B. Approving the bonds for the Earned Income Tax Commissioner or Officer and any employees employed by said entity or person.

D. Approving policies and expenditures of the Earned Income Tax Office which do not require direct action by the Board of School Directors and/or the municipalities.

E. Making recommendations to the School District and the municipalities on all other matters or on matters which by law require the Board of School Directors and/or municipal governing bodies to vote on such matters, including, but not limited to, the establishment of the earned income tax rate.

7. In the event a vacancy should occur by reason of death, resignation, or otherwise in the representatives appointed by the School District, the Board of School Directors may

appoint a successor to serve the balance of the unexpired term of the person whose position resulted in the vacancy.

8. In the event a vacancy should occur should occur by death, resignation, or otherwise in the term of any representative elected jointly by the municipalities, the municipalities shall follow the same procedure to select a representative as set forth above and elect a representative to serve the balance of the unexpired term of the person whose position resulted in the vacancy.

9. In the event a vacancy should occur by reason of death, resignation, or otherwise in the member at-large, the remaining member of the Committee shall elect another to serve the balance of the unexpired term of the person whose position resulted in the vacancy.

10. The School District and municipalities agree that the expenses incurred in the operation and functioning of the Earned Income Tax Office and for the operation of the Committee shall be paid one-half by the School District and the remaining one-half by the municipalities, with each municipality contributing a prorated portion based upon the previous years' total earned income tax revenues collected from each municipality.

11. The School District and any municipality shall be permitted to withdraw from and terminate this Intergovernmental Cooperation Agreement by providing to each other participant written notice of such intent on or before June 30 of any odd-numbered year after ratification of the Intergovernmental Cooperation Agreement by the School District and municipalities.

12. This Agreement shall become effective upon approval and ratification by the

School District and all the municipalities.

NOW THEREFORE, intending to be legally bound hereby, the Parties do hereby set their hands and seals this 25 day of September, 2003.

South Butler County School District

Attest:

By: _____
President

Secretary

Borough of Saxonburg

Attest:

By: _____
Borough Council President

Secretary

Clinton Township

Attest:

By: _____
Chairman, Board of Supervisors

Secretary

Penn Township

Attest:

By: _____
Chairman, Board of Supervisors

Secretary

Jefferson Township

Attest:

By: _____
Chairman, Board of Supervisors

Secretary

Winfield Township

Attest:

By: *Alan E. Hoyle*
Chairman, Board of Supervisors

Monique M. Caskey
Secretary