

BOROUGH OF CHURCHILL

ORDINANCE NO. 723

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH OTHER PARTICIPATING MUNICIPALITIES AND TAXING JURISDICTIONS OF ALLEGHENY COUNTY FOR THE PURPOSE OF FORMING, ESTABLISHING AND JOINING A LAND BANK TO BE KNOWN AS THE TRI-COG LAND BANK

WHEREAS, the Borough Council of the Borough of Churchill is fully aware of the problems and costs associated with tax delinquent properties and desires to join with other political subdivisions to address tax delinquent and/or abandoned properties using a unified, predictable, and transparent process in order to revitalize neighborhoods and strengthen the tax base; and

WHEREAS, Section 1202(24) of the Borough Code authorizes the Borough of Churchill to enter into a contract with other political subdivisions to perform governmental powers, duties and functions and to make appropriations therefor, through an intergovernmental cooperation agreement pursuant to the Intergovernmental Cooperation Act, 53 Pa.C.S. §§ 2301 et seq., as amended; and

WHEREAS, the Land Bank Act, Act 153 of 2012, enacted by the Pennsylvania General Assembly and signed into law by the Governor on October 24, 2012, and codified at 68 Pa.C.S. §§ 2101 et seq., authorizes the Borough of Churchill to create a land bank in combination with other political subdivisions pursuant to 68 Pa.C.S. §2104(c); and

WHEREAS, the Intergovernmental Cooperation Act provides that a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body; and

WHEREAS, the Borough of Churchill desires to enter into an intergovernmental cooperation agreement with other participating political subdivisions to establish the Tri-COG Land Bank.

NOW THEREFORE, BE IT ORDAINED and ENACTED by the Borough Council of the Borough of Churchill, Allegheny County, as follows:

Section 1.

The above recitals are incorporated herein by reference.

Section 2.

The Borough Council of the Borough of Churchill hereby approves entering into an Intergovernmental Cooperation Agreement ("ICA") in substantially the form attached hereto, which ICA is incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the Borough of Churchill shall be bound by the Agreement.

Section 3.

The Borough Manager or his designee is hereby authorized and directed on behalf of the Borough of Churchill: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including financial commitments as set forth therein.

Section 4.

All actions of any officer, agent or other representative of the Borough of Churchill taken in the pursuit of the establishment of the Tri-COG Land Bank and the Borough of Churchill's participation therein are hereby ratified and approved in all respects.

Section 5.

The Borough Manager is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

Section 6.

As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

- (a) The conditions of the ICA are as set forth in the attached ICA;
- (b) The duration of the ICA is as set forth in the ICA;
- (c) The purposes, objectives, powers and scope of authority granted in the Agreement are set forth in the Recital clauses of this Ordinance and in the ICA;
- (d) The manner and extent of financing for the Land Bank is through, among other things, the allocation of real estate taxes and budgetary contributions as set forth in the ICA;
- (e) The corporate organizational structure of the Tri-COG Land Bank shall be comprised of a Board of Directors in accordance with its Bylaws of the Land Bank (the "Bylaws");
- (f) All property, real or personal, of the Tri-COG Land Bank shall be acquired, managed, licensed or disposed of in accordance with the terms of the ICA and the Bylaws; and
- (g) The Tri-COG Land Bank is empowered to enter into contracts for policies for group insurance and employee benefits for its employees, if any, pursuant to the ICA.

Section 7. Effective Date / Repealer

This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 8. Severability

If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED this 10th day of November, 2014.

BOROUGH OF CHURCHILL



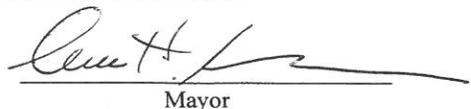
Council President

ATTEST:



Secretary

EXAMINED AND APPROVED this 10th day of November, 2014.



Mayor