ORDINANCE NO. 249

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223 AS AMENDED) AUTHORIZING THE PARTICIPATION OF MAIDENCREEK TOWNSHIP, BERKS COUNTY, PENNSYLVANIA IN AN INTERGOVERNMENTAL COOPERATION AGREEMENT AND PARTICIPATION IN THE DELAWARE VALLEY HEALTH TRUST PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW

WHEREAS, a number of municipalities within Pennsylvania have investigated whether it would be mutually beneficial to cooperate with each other in obtaining employee benefit insurance; and

WHEREAS, the Delaware Valley Health Trust ("DVHT") was established as a self-insured governmental multiple employer welfare arrangement and public employer health benefits trust in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Intergovernmental Cooperation Law (53 Pa.C.S. §§2301, *et seq.*), as amended, authorizes local government units and agencies to jointly cooperate and enter into intergovernmental agreements with other local government units and agencies in the performance of their governmental functions, powers and responsibilities; and

WHEREAS, Maidencreek Township, Berks County, Pennsylvania has determined that it is in the best interest of its employees, retirees, and their dependents for Maidencreek Township to become a participant in the DVHT, a self-insured governmental multiple employer welfare arrangement and public employer health benefits trust organized in accordance with the laws of the Commonwealth of Pennsylvania.

NOW, THEREFORE, the Board of Supervisors of Maidencreek Township, Berks County, Pennsylvania (the "Township"), in lawful session duly convened, hereby amends the Maidencreek Code by amending Part I, Administrative Legislation, Chapter 16 Intermunicipal Agreements, by adding new Article XIII Entitled "Delaware Valley Health Trust" by ENACTING and ORDAINING new Sections 16-81 through 16-94 as follows:

§ 16-81. The Township hereby agrees to participate in the DVHT in accordance with the DVHT Agreement dated April 1, 1999, as amended ("The Trust Agreement"), and that the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to sign The Trust Agreement and any other agreements necessary for the Township's participation in the DVHT.

The Trust Agreement is on file for inspection and review at the Township's offices at 1 Quarry Road, Reading, PA 19510. The Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments materially adversely affect the right of Maidencreek

Township to participate in the DVHT. The Township may withdraw from DVHT in accordance with the The Trust Agreement.

§ 16-82. Participation of the Township in the DVHT is authorized for the purpose of obtaining high quality health benefits at the most reasonable cost to the Township and its employees, retirees and their dependents.

§ 16-83. As set forth in greater detail in the The Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the DVHT:

1. That each Trust Participant must meet the admission and eligibility requirements set forth therein;

2. That each Trust Participant agrees to pay all contributions when due as provided in the Trust Agreement and any By-Laws adopted by the Trust;

3. That each Trust Participant uses its best efforts to provide appropriations for the payment of any contributions required to achieve the purposes and objectives of the Trust;

4. That each Trust Participant cooperate fully in achieving the purposes and objectives of the Trust; and

5. That each Trust Participant comply with all other terms and conditions of the Trust Agreement.

§ 16-84. The Township agrees to participate in the DVHT for at least three (3) full years from the effective date of its participation and may withdraw in accordance with the terms and conditions of The Trust Agreement.

§ 16-85. The effective date of the Township's agreement to and joinder in The Trust Agreement and participation of the Township in the DVHT pursuant to the terms of The Trust Agreement will be September 1, 2019.

§ 16-86. The organizational structure of the DVHT consists of a Board of Trustees and Executive Committee selected by the Board of Trustees in accordance with The Trust Agreement.

§ 16-87. The Township delegates to the Board of Trustees of the DVHT the powers enumerated in The Trust Agreement.

§ 16-88. All contributions paid by the Township shall be made with funds appropriated by the Township for that purpose.

§ 16-89. The funds required for the operation of the DVHT shall be provided by the Trust Participants through annual appropriations.

§ 16-90. The DVHT is empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for any of its employees.

§ 16-91. As a condition of participating in the DVHT, the Township agrees to comply with all of the terms and conditions of The Trust Agreement.

§ 16-92. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board of Supervisors that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

§ 16-93. Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.

§ 16-94. This Ordinance shall take effect five (5) days from the date of adoption.

ENACTED and **ORDAINED** as an Ordinance by the Board of Supervisors of Maidencreek Township, County of Berks, Pennsylvania, in lawful session duly assembled, this _____ day of _____, 2019.

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Claude Beaver, Chairman

_____
Heidi Fiedler, Vice-Chair

_____
Joseph E. Rudderow, III, Supervisor

Attest:

_____
Diane Hollenbach, Secretary