

LANCASTER INTER-MUNICIPAL COMMITTEE AGREEMENT

Original Agreement Date September 13, 1995

Amendment dated September 12, 2012

Agreement updated 12/9/2021

ARTICLE 1

Purpose

Sec. 1. Purpose: the purpose of this Committee shall be to provide a forum for the discussion of inter-municipal challenges or anticipated concerns among the member municipalities and amicable pursuit of solutions. Specifically, the member municipalities through participation in this committee shall:

1. Jointly cooperate in sponsorship, establishment, administration, maintenance and operation of community programs and solutions to community problems
2. Address the social, economic, aesthetic and environmental needs of the urbanized area including but not limited to the elimination of conditions which are detrimental to health, safety and public welfare
3. Discuss and try to arrive at a more rational utilization of land and other natural resources, and the better arrangement of residential, commercial, industrial, recreational, and other needed activities centers
4. Address the development of the urbanized area by reasonable regulation and incentives
5. Promote the joint exercise of any powers common to each municipality member
6. Promote cooperative activities and joint action among any or all members to avoid conflicts respecting jurisdiction and services and litigation
7. Promote new procedures for the exercise of existing powers of each member municipality on the theory that there are certain situations and problems that can best be met and solved by several municipalities acting jointly, or permitting one of their number to act for all
8. Create a forum for discussion of "tomorrow" before a crisis arises and for at least raising the possibility of a strengthened political will to tackle tough problems
9. Address a healthy and balanced growth and endeavor to solve the transportation pattern including storage and movement of vehicles in the total urbanized area
10. Recognize that coordination of many municipalities is necessary to handle the growth of the metropolitan or urbanized area rather than one government body acting singly.

ARTICLE II

Policy

Sec. 1. Policy: The policy of this Committee shall not be to take any action binding an individual municipality. It is not a committee of any municipality but is a conference or association of its members. Each individual municipality must deliberate within its own legislative body at an open meeting and vote on what, if any, action it intends to take.

ARTICLE iii

Membership

Sec. 1. Membership: each of the following municipalities may be a member, if (1) approved by the governing body of the municipality by passing an ordinance at an official, open meeting of such body and (2) approved by all members present and voting in accordance with Article VII, Section 3, after an application has been before the Committee of the Whole for not less than 21 days: East Hempfield Township, East Lampeter Township, East Petersburg Borough, Lancaster City, Lancaster Township, Manheim Township, Manor Township, Millersville Borough, Mountville Borough, Pequea Township, West Hempfield Township, and West Lampeter Township. Each member municipality shall be officially represented by its legislative body, its elected executive (if any), and/or other persons designated by its elected officials.

Sec. 2. Associate Membership Approval and Acceptance

- (a) An eligible Associate Member of the LIMC is limited to the following types of entities:
 - a. County
 - b. School District
 - c. Authority
 - d. Any other local government or quasi-governmental entity except for a 2nd class city, 2nd class A city, 3rd class city, borough, incorporated town, or township.
- (b) An eligible Associate Member must operate within the defined boundaries of the LIMC region. The LIMC region is defined as the member municipalities.
- (c) An eligible Associate member must submit a letter on interest to join the LIMC as an Associate Member. The letter of interest may be submitted to any officer of the LIMC. Interest will be confirmed by any officer of the LIMC.
- (d) The chairman will notify the LIMC via email of receipt of the letter of interest and the item will be placed on the agenda as an action item for the next regular monthly meeting of the LIMC. If the letter of interest is received within five (5) business days prior to the schedule regular monthly meeting of the LIMC, the item will be placed on the agenda for the following regular monthly meeting.
- (e) At a regular monthly meeting of the LIMC that includes an agenda item for action for an eligible Associate Member, approval and acceptance of an Associate Member will follow the rules established in Article VII of the LIMC Agreement for action items.
- (f) An accepted Associate Member may be removed from Associate Membership status by action of the Committee of the Whole at a regular monthly meeting of the LIMC.
- (g) An Associate Member may withdraw Associate Membership via a request at a regular monthly meeting of the LIMC.
- (h) Role of and Associate Member:
 - a. An Associate Member is a non-voting member of the LIMC.
 - b. An Associate Member may participate in LIMC programs, such as joint purchases or where approved by the Committee of the Whole.
 - c. A Memorandum of Understanding (MOU) will be executed between the LIMC and an Associate Member for individual program the Associate Member may participate. The MOU will outline conditions mutually agreed upon between the Associate Member and the LIMC for participation.
 - d. An Associate Member will be required to contribute an annual Associate Membership fee. The fee will be determined on an annual basis by the

Committee of the Whole. The initial fee will be due within sixty (60) days of acceptance as an Associate Member. The annual fee will not be prorated. The annual fee will be due by March 30 of each subsequent year.

Sec. 3. The Lancaster Inter-Municipal Committee, for the purposes of this agreement, shall hereinafter be referred to as the Committee of the Whole.

Sec. 4. All municipal representatives shall be regular members and each municipality shall have equal voting rights on all matters brought before the Committee of the Whole, which means each municipality shall cast only one vote regardless of the numbers of representatives present.

Sec. 5. Municipalities adjacent to the municipalities listed in Article III, Section 1 may become members of this organization if (1) approved by the governing body of the municipality by passing an ordinance at an official, open meeting of such body and (2) approved by all members present and voting in accordance with Article VII, Section 3. An application must be before the Committee of the Whole not less than 21 days before submission for approval.

Section 6. Municipalities may withdraw from membership in this organization effective January 1 of any year by notifying the chairman and the Executive Director in writing prior to September 1 of the previous year. The decision to withdraw shall be made by the governing body of the municipality at an official, open meeting of such body.

ARTICLE IV

Officers

Sec. 1. Officers: At a meeting to be held in December of each year, there shall be elected by the Committee of the Whole from among its members a chairman, vice chairman, **treasurer and secretary**; each to serve for one year beginning January 1 or until his or her successor has been duly elected. These officers must be elected officials **or the designated representatives** of their municipalities.

Sec. 2. Duties of Officers:

- (a) The chairman shall preside at all meetings and conduct the meetings in an orderly and impartial manner as to permit a free and dull discussion by the membership on such matters as may come before the Committee of the Whole.
- (b) The chairman shall establish and appoint any committees from the Committee of the Whole as may be deemed necessary.
- (c) The chairman shall select and so designate the chairman and vice-chairman of each committee.
- (d) The chairman may designate special advisory committees composed of other than the regular membership for the purpose of providing information for the use of the Committee as the Whole or any of its committees.
- (e) The chairman shall be considered an ex-officio member of all committees.
- (f) The vice-chairman shall perform all the duties of the chairman in the absence of the chairman or in the event of the liability of the chairman to act, and shall perform such other duties as the Committee of the Whole may delegate to him.
- (g) The secretary **and** treasurer shall perform the duties normally pertaining to the positions.

ARTICLE V

Committees

Sec. 1. Committee reports recommending actions or policies shall be submitted in writing to the Committee of the Whole for concurrence and approval. When approved, said recommendations shall become those of the Committee of the Whole and may be transmitted in writing to the member municipalities upon due authorization.

Sec. 2. All committee reports shall be submitted in writing to the membership for their information.

ARTICLE VI

Funds

Sec. 1. The Committee shall be financed in whole or in part by contributions from its member municipalities; these contributions shall be determined by a formula which shall be established by the Committee of the Whole. The Committee may also be financed by grants or other sources of funds.

Sec. 2. Any funds which may accrue to the Committee of the Whole for its use in furthering the aim and purposes of the organization shall be controlled, disbursed, and accounted for in a manner which shall be proscribed and approved by the Committee of the Whole.

Sec. 3. None of the earnings or assets of the Committee shall inure to the benefit of any private interest; only the member municipalities shall have a proprietary interest in such assets. In the event of the dissolution of the Committee, all of the assets of the Committee shall be distributed to the member municipalities.

Sec. 3. The Chairman shall annually appoint a three member Auditing Committee to provide an audit of the financial reports and accounts of the Committee of the Whole. A copy of the report of the Auditing Committee shall be furnished to each member of the Committee of the Whole.

ARTICLE VII

Limitations

Sec. 1. Meetings:

- (a) No regular or special meeting of the Committee of the Whole shall be held without due and proper notice having been given to all members.
- (b) A regular meeting may be held quarter-yearly where practicable, and special meetings may be called by the chairman when deemed necessary for the best interest of the Committee of the Whole.
- (c) The time and place of the meetings shall be designated by the chairman or by the Committee of the Whole.

Sec. 2. Authority for Committee of the Whole: No action of the Committee of the Whole shall be deemed authentic unless it is duly acted upon at a regular or special meeting of the Committee of the Whole. No member of the Committee of the Whole shall be qualified to speak for or make any authentic representation on behalf of the Committee of the Whole unless specific authorization for each representation has been granted by a majority of the municipalities; provided that the majority of the

three officers shall have the power to act on behalf of an for the Committee of the Whole in an emergency occurring between regular sessions as outlined in Section 3 below.

Sec. 3. Majority: The business of the Committee of the Whole shall be approved by a majority of the municipalities present and voting thereon at any regular or special meeting. No such action shall be deemed a final action of the Committee of the Whole unless approved at a regular or special meeting at which not less than one-half of the member municipalities are present and of which the membership has been given due and proper notice at least five days in advance of the meeting; furthermore, no such action which relates to a major decision or policy, as determined by the Chairman, shall be deemed a final action unless approved at a meeting at which not less than two-thirds of the member municipalities are present. The vote of any municipality must be cast by an elected official or another person designated by the elected officials.

Sec. 4. The Committee of the Whole shall prepare and submit an annual written report to the member municipalities.

ARTICLE VIII

Amendments

Sec. 1. Amendments:

- (a) Amendments to this agreement may be presented at any meeting but shall not be considered for passage until the next following regular or special meeting. Any amendment to this agreement shall require an affirmative vote by at least two-thirds of the member municipalities.
- (b) Any proposed change to this agreement shall be submitted to the members in the notice of meeting.

ARTICLE IX

Rules of Order

Sec. 1. Robert's Rules of Order in its latest revision shall govern in all cases in which they are not inconsistent with this agreement and the standing rules and orders of the Committee of the Whole.

HISTORICAL INFORMATION

- (a) Intergovernmental cooperation is authorized by establishing membership in a council of governments pursuant to the requirements of Pennsylvania Consolidated Statutes, Title 53, Sections 2301 through 2315, commonly known and referred to as Act 180, as amended, of the Commonwealth of Pennsylvania; and subsequent revisions commonly known as Act 177 of 1996 and Act 13 of 2001 and referred to as the Intergovernmental Cooperation Law.
- (b) The LIMC was reorganized under the Intergovernmental Cooperation Law as a council of governments and establish membership by the adoption of the Lancaster Inter-Municipal Committee Agreement (hereinafter referred to as the LIMC Agreement) dated September 13, 1995 (and commonly referred to as an Act 180 Agreement or Act 177 Agreement) with a purpose of establishing amicable pursuit of solutions. The LIMC Agreement was adopted by local government unit commonly referred to as member municipalities via the adoption of the following ordinances:

- a. East Hempfield Township Ordinance No. 095-04
- b. East Lampeter Township Ordinance 1995-#178
- c. East Petersburg Borough Ordinance 1995-194
- d. Lancaster Township Ordinance No 1995-08
- e. Manheim Township Ordinance 1995-13
- f. Manor Township Ordinance #7-95
- g. Borough of Millersville Ordinance 1995-9
- h. Mountville Borough Ordinance #204
- i. Pequea Township Ordinance 98-1995
 - i. Pequea Township withdrew membership per section 5 of Article II of the LIMC agreement, and therefore I no longer defined as a member municipality.
- j. Township of West Hempfield Ordinance No. 5-95
- k. Township of West Lampeter Ordinance 1995-No 137
- l. City of Lancaster Administration Ordinance No. 1-1997
- m. Borough of Columbia Ordinance No. 753