



County of Lackawanna

Lackawanna County
Administration Building
200 Adams Avenue
Scranton, Pennsylvania
18503

Certified Copy

Ordinance: 12-0120

File Number: 12-0120

Ordinance #220

Second Reading

Authorizing a Cooperation Agreement with local Municipalities/Authorities to participate in the County's Auction

Ordinance #220

First Reading: July 11, 2012

Second Reading: July 25, 2012

ORDINANCE #220

BOARD OF COMMISSIONERS
OF THE
COUNTY OF LACKAWANNA, PENNSYLVANIA

AN ORDINANCE AUTHORIZING THE CHIEF OF STAFF OR THEIR DESIGNEE TO ENTER INTO A COOPERATIVE AGREEMENT FOR CONDUCTING A PUBLIC AUCTION FOR EXCESS MATERIALS, SUPPLIES AND EQUIPMENT WITH OTHER PARTICIPATING MUNICIPALITIES PURSUANT TO THE INTERGOVERNMENTAL COOPERATION LAW (ACT 177 of 1996), 53 PA.C.S.A. SECTION 2301 ET. SEQ.

WHEREAS, Lackawanna County is a Third Class County existing pursuant to the Laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Intergovernmental Cooperation Law, 53 Pa.C.S.A. Section 2304, authorizes a municipality by act of its governing body to cooperate or agree in the exercise of any function, power or responsibility with one or more local governments; and

WHEREAS, Section 2305 of the Intergovernmental Cooperation Law, 53 P.C.S.A. Section 2305, requires the passage of an ordinance by its governing body authorizing the local government to enter into intergovernmental cooperation agreements; and

WHEREAS, the Board of Commissioners of Lackawanna County deems it advisable to enter the Cooperative Agreement for the sale of excess materials, supplies and equipment, which is attached hereto and made a material part hereof as Exhibit "A" as the County seeks to join with other municipalities and municipal authorities in order to take advantage of lower prices, reduced costs and

other economies associated with combining the auction of excess materials, supplies and equipment through the joint public auction, where such combining of sales may be to the advantage of the participating entities; and

WHEREAS, the attached Exhibit "A" which is incorporated herein by reference as though more fully set forth at length, satisfies the requirements of Section 2307 of the Intergovernmental Cooperation Law, 53 Pa.C.S.A. Section 2307.

NOW THEREFORE, the Board of Commissioners of the County of Lackawanna hereby ordains as follows:

Section 1. Authority to Enter Joint Purchasing Agreement

The Chief of Staff for the County of Lackawanna or her designee is hereby authorized to execute the Cooperative Agreement for an auction for excess material, supplies and equipment which is attached hereto as Exhibit "A".

Section 2. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

Section 3. Severability.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance which shall remain in full force and effect.

Section 4. Effective Date.

This Ordinance shall be effective in ten (10) days from the date of adoption.

ADOPTED at a regular meeting of the Board of Commissioners of Lackawanna County held on July 25, 2012.

COUNTY OF LACKAWANNA



JIM WANSACZ



COREY D. O'BRIEN



PATRICK M. O'MALLEY

ATTEST:



MARIA ELKINS
CHIEF OF STAFF

Approved as to form and legality:



DONALD J. FREDERICKSON, ESQUIRE
COUNTY SOLICITOR

Exhibit "A"



County of Lackawanna

Lackawanna County
Administration Building
200 Adams Avenue
Scranton, Pennsylvania
18503

Certified Copy

Resolution: 12-0118

File Number: 12-0118

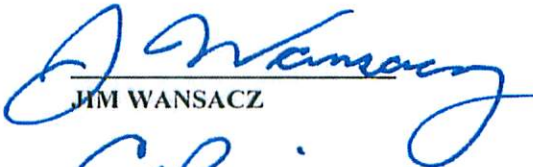
Entering into a Cooperation Agreement for a Public Auction

BE IT RESOLVED, that the Board of Commissioners of Lackawanna County does hereby enter into a enter into a Cooperation Agreement with various municipal entities combining the public sale of materials, supplies and equipment at a public auction, to be determined by Lackawanna County.

ADOPTED at a regular meeting of the Board of Commissioners of Lackawanna

County held on July 11, 2012.

COUNTY OF LACKAWANNA


JIM WANSACZ


COREY D. O'BRIEN


PATRICK M. O'MALLEY

ATTEST:


MARIA ELKINS
CHIEF OF STAFF

Approved as to form and legality:


DONALD J. FREDERICKSON, ESQUIRE
COUNTY SOLICITOR

COOPERATION AGREEMENT

This Agreement, made this 11 day of July, 2012, by and between the **COUNTY OF LACKAWANNA**, a political subdivision existing pursuant to the laws of the Commonwealth of Pennsylvania (hereinafter referred to as the "County") and the various local municipal subdivision and authorities who have agreed to the provisions contained in this document and have indicated their agreement with an authorized signature attached to this document (hereinafter referred to as "Municipalities"). All signatories are representatives of local government entities duly organized under the Laws of the Commonwealth of Pennsylvania, all of the parties to this agreement being political subdivisions of the Commonwealth of Pennsylvania.

WITNESSETH:

WHEREAS, the Pennsylvania General Assembly enacted the Intergovernmental Cooperation Law (Act 177 of 1996) which was previously enacted by the General Assembly in 1972 to implement the provisions of Article IX, Section 5, of the Pennsylvania Constitution, to foster intergovernmental cooperation; and

WHEREAS, the parties seek to join with other political subdivisions and municipal authorities in order to take advantage of lower prices, reduced costs, combined advertising and other economies associated with combining the public sale of materials, supplies and equipment at a public auction, which may be to the advantage of the participating entities; and

WHEREAS, the County has scheduled a public auction to sell off excess materials, supplies and equipment; and

WHEREAS, the signatories of this agreement seek to participate in the County's public auction to sell off their excess materials, supplies and equipment.

NOW THEREFORE, the parties hereto, intending to be legally bound hereby, agree as follows:

1. The County has scheduled a public auction for the sale of materials, supplies and equipment to be held on August 18, 2012, or at such other date as may be set by the County and auctioneer as a result of inclement weather, or other unforeseen events.
2. The County is opening this auction to municipalities and municipal authorities in Lackawanna County to sell off their excess materials, supplies and equipment.
3. The County shall be responsible for the cost of advertising the auction, and shall manage the auction.
4. The parties agree that the auctioneer shall receive a commission of ten (10%) percent of the gross proceeds of each sale, and a five (5%) percent buyers commission.

5. The municipalities shall be responsible to move their sale items to the auction site in Jessup no later than one (1) week prior to the auction date.

6. The County agrees that it shall collect all proceeds from the sale from the auctioneer at such a time as all checks have cleared, and forward payment to the municipality the proceeds from the sale less the auctioneer fees and commissions.

7. The municipality agrees not to sell or otherwise dispose of the property, or remove the property from the premises, except for the purpose of protecting such property, until the date of the auction.

8. The municipality represents that it has the full authority to sell such property, and that it is free and clear of all liens or other encumbrances at the time of sale.

9. The municipality agrees to indemnify and holds harmless the County, the auctioneer and their respective agents and employees, against any claims, actions, causes of actions, demands, rights, damages, losses or costs that may result or occur because of any lien or encumbrance upon such property or because of any warranty of representation made by the municipality as to the character or condition of such property until it is declared sold.

10. The municipality agrees to provide all titles to any property or equipment requiring the same.

11. This agreement shall be binding upon the signatories hereto, and shall not be assigned to another party without the written consent of the County and the Municipality.

12. This Agreement shall be construed in accordance with the Laws of the Commonwealth of Pennsylvania.

13. There shall be no amendments to this agreement without the written consent of all parties.

14. This Agreement may be signed in multiple parts.

IN WITNESS WHEREOF, the parties have agreed to the terms and conditions and have caused this Cooperation Agreement to be duly signed and executed as to the day and year first written above.

LACKAWANNA COUNTY

By: 

Attest:

