

MAIN TOWNSHIP
ORDINANCE NO. OF 2022

AN ORDINANCE OF MAIN TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA TO
ESTABLISH RULES AND REGULATIONS REGARDING THE EXPENDITURE OF
APPROPRIATED FUNDS PROVIDED BY MAIN TOWNSHIP TO VOLUNTEER FIRE
COMPANIES

BACKGROUND

WHEREAS, the Second Class Township Code (53 P.S. §68205) authorizes a Second Class Township to impose an annual tax not exceeding three mills to purchase and maintain fire apparatus and a suitable place to house fire apparatus, to make appropriations to fire companies located inside and outside the township, to make appropriations for the training of fire company personnel and for fire training schools and to contract with adjacent municipal corporations or volunteer fire companies for fire protection; and

WHEREAS, the Second Class Township Code (53 P.S. §66803) allows a Second Class Township to appropriate monies for the use of the township or to fire companies located in the township for the operation and maintenance of fire companies, for maintenance of fire company houses and for training of fire company personnel; and

WHEREAS, the Second Class Township Code (53 P.S. §66803) requires fire companies to submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to fire companies for the current year; and

WHEREAS, the Second Class Township Code (53 P.S. § 66803) allows the board of supervisors, by ordinance, to make rules and regulations for the governance of fire companies located within the township; and

WHEREAS, the Main Township Board of Supervisors (the “Board of Supervisors”) desire to adopt rules and regulations regarding the expenditure of appropriated funds intended to be provided to volunteer fire companies (a “Volunteer Fire Company”), including, without limitation those generated by the annual fire tax.

NOW, THEREFORE, The Board of Supervisors of Main Township ordain as follows:

1. **CONTROL AND USE OF FUNDS.** All appropriations (the “Appropriations”) by Main Township (the “Township”) set forth in its annual budget to or for the benefit of a Volunteer Fire Company shall be utilized strictly in accordance with this Ordinance unless otherwise agreed by the Board of Supervisors.

2. CONTRACTS.

- a. Unless the Board of Supervisors authorize a different procedure, all contracts or purchases in excess of \$18,500.00 (as adjusted from time to time pursuant to 53 P.S. §68102 (b.1) where Appropriations will be utilized, in whole or in part, shall not be made except with and from the lowest responsible bidder after due notice in one newspaper of general circulation made by the Volunteer Fire Company. The notice for bids shall be published at least two times at intervals of not less than three days in daily newspapers or once a week for two successive weeks in weekly newspapers. The first advertisement shall be published not more than forty-five days, and the second advertisement not less than ten days, before the date set for the opening of bids. Notice of the proposed contracts or purchases shall also be posted at a conspicuous place for public viewing at the Volunteer Fire Company. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained and give the date, time and place of a meeting which shall be open to the public at which an individual or committee appointed by the Volunteer Fire Company will open and read the bids.
- b. Unless the Board of Supervisors authorize a different procedure, written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts in excess of the base amount of \$10,000.00, where Appropriations will be utilized, in whole or in part, subject to adjustment pursuant to 53 P.S. §68102 (b.1), but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file with the Volunteer Fire Company showing that fewer than three qualified contractors exists in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative and the matter which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years by the Volunteer Fire Company.
- c. The award of contracts utilizing Appropriations shall only be made by announcement at a meeting of a Volunteer Fire Company open to the Board of Supervisors and those submitting bids at which bids are opened by the Volunteer Fire Company or received from the individual or committee appointed by the Volunteer Fire Company to open and read bids, or at a subsequent meeting of the Volunteer Fire Company, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the meetings are not held, the same business may be transacted

at a subsequent meeting if at least five days' notice of the meeting is published in the same newspaper as the notice of bids. Bidders and the Board of Supervisors shall be notified and other interested parties, upon request, shall be notified of the date, time and location of the opening of bids and shall be permitted to be present when the bids are opened.

- d. The Volunteer Fire Company may reject all bids received if it is believed to be in the best interest of the Volunteer Fire Company at a meeting open to the bidders and the Board of Supervisors. The reasons for the rejection of all bids shall be noted in the Volunteer Fire Company minutes.

3. CONTRACTS WHICH DO NOT REQUIRE ADVERTISING, BIDDING OR PRICE QUOTATIONS WHERE APPROPRIATIONS WILL BE UTILIZED:

- a. Those made for emergency repairs so long as the same do not constitute new additions, extensions or enlargements of existing facilities and equipment.
- b. Those made for improvements, repairs or maintenance of any kind made or provided by members of the Volunteer Fire Company.
- c. Those involving policies of insurance.
- d. Those involving personal or professional services.
- e. Those made for materials and supplies or equipment rental under emergency management conditions when a state of emergency has been declared.
- f. Those for the purchase of repair parts or materials for use in existing Volunteer Fire Company equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired. Notwithstanding the foregoing, contracts for the same shall not be entered into by the Volunteer Fire Company without the prior approval of the Board of Supervisors.
- g. Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility, municipal corporation, county, school district, municipality authority, council of government, other volunteer fire company, volunteer ambulance service, volunteer rescue squad of Federal or State Government. Provided, however, contracts for the same involving use of

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- h. Those where particular types, models or pieces of equipment, articles, apparatus, appliances, vehicles or parts thereof which are patented and manufactured products. Provided, however, contracts for the same shall not be entered into by the Volunteer Fire Company without the prior approval of the Board of Supervisors.
4. INTEREST IN CONTRACTS. No Volunteer Fire Company member or official, either appointed or elected who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the Volunteer Fire Company or for any work to be done for the Volunteer Fire Company involving the payment by the Volunteer Fire Company of more than \$500.00 where Appropriations will be utilized, in whole or in part, unless the contract is awarded through the public bid process. This limitation does not apply if the member or official, either appointed or elected, of the Volunteer Fire Company is an employee of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and the member or official cannot possibly be benefitted thereby, either financially or otherwise. Any Volunteer Fire Company member or official who knowingly violates this provision may be subject to surcharge to the extent of the damage shown to be sustained.
5. PARTICIPATION. The Board of Supervisors may permit the Volunteer Fire Company to participate in purchase contracts for supplies and equipment of the Township and the Volunteer Fire Company shall agree that it will be bound by any terms and conditions the Board of Supervisors prescribe.
6. REPORTING. In accordance with 53 P.S. §66803, the Volunteer Fire Company shall submit to the Board of Supervisors an annual report of the use of Appropriations for each completed year of the Township before any further payments may be made to the Volunteer Fire Company for the current year.
7. RELEASE OF APPROPRIATED FUNDS. Provided the Volunteer Fire Company has complied with the provisions of this Ordinance, funds appropriated for the Volunteer Fire Company by the Township shall be disbursed by the Board of Supervisors by one of two methods:
 - a. Requests for funds to be paid to vendors shall be made to the Board of Supervisors at their regularly scheduled meetings. If approved by the Board of Supervisors, the

Township shall disburse checks to the Volunteer Fire Company payable directly to the applicable vendor, or, at the Township's option, submit payment directly to the vendor; or

b. Reimbursement for expenses paid to vendors by the Volunteer Fire Company shall occur after the Board of Supervisors has reviewed the list of invoices paid by the Volunteer Fire Company and the Board of Supervisors has approved such prepaid expenses at its regular scheduled meeting.

8. CONTRACTS ENTERED INTO IN VIOLATION OF THIS ORDINANCE. Any contracts or agreements entered into by the Volunteer Fire Company in violation of this Ordinance shall not impose any requirement or duty upon the Township to release or authorize use of Appropriations for such purpose.
9. DISPOSITION OF ASSETS. None of the fire apparatus or capital equipment owned by the Volunteer Fire Company which has been purchased, in whole or in part, with Appropriations provided by the Township shall be permanently removed or sold without the consent of the Board of Supervisors.
10. EFFECTIVE DATE. The effective date of this Ordinance shall be five (5) days after the date of adoption by the Board of Supervisors. Notwithstanding the foregoing, this Ordinance shall be retroactive and apply to all Appropriations made prior to the effective date which remain in the custody and control of the Township.

AND NOW, this Ordinance is adopted this ____ day of _____, 2022.

Attest:

MAIN TOWNSHIP SUPERVISORS:

**RANDY RHOADS, Supervisor and
Chairperson**

ROBERT BAYLOR, Jr., Supervisor

PAMELA SLUSSER, Supervisor