

**BOROUGH OF WEST NEWTON  
WESTMORELAND COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2003-6**

A Resolution authorizing the participation of West Newton Borough in the Penn PRIME Workers' Compensation Trust.

WHEREAS, the cost of workers' compensation insurance premiums and efforts to control those costs have become a matter of great concern to elected municipal officials and managers; and

WHEREAS, intergovernmental cooperation by means of the creation of a group workers' compensation pool for the payment of workers' compensation, occupational disease and employer's liability obligations from a common fund which is mutually guaranteed by all its members can stabilize and reduce the cost of meeting those workers' compensation, occupational disease and employer's liability obligations; and

WHEREAS, the Penn PRIME Workers' Compensation Trust is a group workers' compensation pool established through the intergovernmental cooperation of Pennsylvania municipalities under the authority of the Pennsylvania Intergovernmental Cooperation Law (53 Pa. C.S.A. §2301 et. seq.) and the Pennsylvania Workers' Compensation Act (Article VII of the Act of June 2, 1915, P.L. 736 No. 338), as reenacted and amended.

The Council of West Newton Borough, Westmoreland County, Pennsylvania does hereby enact and ordain;

Section I: That the Council of West Newton Borough is hereby authorized to execute the Penn Prime Workers' Compensation Amended Agreement of Trust (or Member Participation Agreement), which Trust Agreement provides for the participation of West Newton Borough, in cooperation with other Pennsylvania municipalities and local public agencies, in the Penn PRIME Workers' Compensation Trust. The Amended Agreement of Trust, which specifies the organizational structure necessary to implement the program, is on file for inspection and review at the offices of the Pennsylvania League of Cities and Municipalities, 414 North 2<sup>nd</sup> Street, Harrisburg, Pennsylvania 17101, and is incorporated herein by reference. The Agreement may be amended after the enactment of the Resolution by a majority vote of all of the Trustees, subject to the provisions of Article 8 of the Trust Agreement.

Section II: That the participation of West Newton Borough in the Penn PRIME Workers' Compensation Trust is authorized for the purposes of enabling West Newton Borough to ultimately reduce and stabilize the cost of its worker's compensation and occupational disease obligations through the creation of a joint fund to be used for the payment of workers' compensation, occupational disease, and employer's liability claims on behalf of all participants in the Penn PRIME Workers' Compensation Trust.

Section III: As set forth in the Penn PRIME Workers' Compensation Amended Agreement of Trust, the following conditions, among others as set forth in the Trust Agreement, apply to the participation of West Newton Borough in the Penn PRIME Workers' Compensation Trust:

1. That each participating municipality meets the admission and eligibility requirements set forth therein;

2. That each participating municipality agrees to pay all of its annual contributions and any assessments which are required for the creation and maintenance of the General Operating and Restricted Surplus Funds created pursuant to the Penn PRIME Workers' Compensation Trust, and that each agrees to be jointly and severally responsible for the obligation of each and every other party to the Trust Agreement to discharge the liabilities arising under the Pennsylvania Workers' Compensation Act and the Pennsylvania Occupational Disease Act.
3. That each participating municipality comply with the terms of the Trust Agreement as respects contributions, required loss prevention methods, cooperation with the Trust service and fiscal agents, attorneys, claims adjusters, etc., and that each participating municipality comply with all applicable statutes and regulations governing the payment of workers' compensation claims, including, but not limited to, the Pennsylvania Workers' Compensation Act and the Pennsylvania Occupational Disease Act.

Section IV: Each Participating municipality delegates to the Trustees of the Penn PRIME Workers' Compensation Trust the powers enumerated in the Trust Agreement, including the right to expel participants under certain conditions. The terms of the Trust Agreement govern the manner in which property shall be acquired, managed, licensed, or disposed of. The Trust shall be empowered to enter into contracts for policies of group insurance and employee benefits, including social security for its employees.

Section V: As a condition of participating in the Penn PRIME Workers' Compensation Trust, West Newton Borough agrees to:

1. Pay all annual contributions or assessments as may be required by the Trustees;
2. Designate a contact person for the purpose of communicating with the Trust or its representatives;

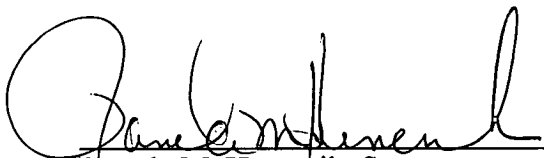
3. Perform all covenants contained in the Penn PRIME Workers' Compensation Trust Agreement and delegate to the Trustees the powers and authority enumerated in that Agreement.

Section VI: This resolution is being enacted pursuant to title 53 Pa.C.S.A. §2301 et. seq. and Article VIII of the Act of June 2, 1915, P.L. 736 No. 338, as reenacted and amended (The Pennsylvania Workers' Compensation Act).

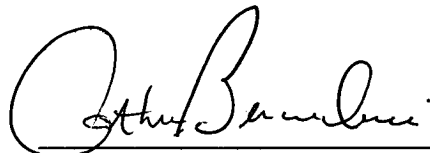
ORDAINED AND ENACTED THIS 10<sup>th</sup> day of November, 2003.

  
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Armand N. Luzi, President

ATTEST:

  
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Pamela M. Humehek, Secretary

EXAMINED AND APPROVED by me this 10<sup>th</sup> day of November, 2003.

  
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Art Berarducci, Mayor