

AGREEMENT BETWEEN THE TOWNSHIP OF ROSS, THE TOWN OF McCANDLESS, THE BOROUGH OF FRANKLIN PARK, THE TOWNSHIP OF MARSHALL AND THE BOROUGH OF BRADFORD WOODS,

Made and entered into this ____ day of _____, 1993,

REVISING THE AGREEMENT BETWEEN THE TOWNSHIP OF ROSS, THE TOWN OF McCANDLESS, THE BOROUGH OF FRANKLIN PARK AND THE BOROUGH OF BRADFORD WOODS,

Made and entered into this 25th day of July, 1977,

WITNESSETH:

WHEREAS, the Township of Ross, the Town of McCandless, the Borough of Franklin Park and the Borough of Bradford Woods by an agreement dated April 10, 1967, as the same has been amended from time to time, formed and have been operating a Local Library as defined by the Library Code of Pennsylvania (Act of June 14, 1961, P.L. 324, 24 P.S. 4101, et seq.), known as the NORTHLAND PUBLIC LIBRARY; and

WHEREAS, the four municipalities have decided to acquire certain real estate located in the Town of McCandless by donation from the North Allegheny Joint Authority and the North Allegheny School District, and to construct a new library building on the said property; and

WHEREAS, for the purpose of creating a legal entity to take title to the said property and also for the purpose of financing the construction of the new library building by the issuance of bonds or notes or other instruments of indebtedness at the lowest possible interest rate, the four municipalities have now formed THE NORTHLAND PUBLIC LIBRARY AUTHORITY; and

WHEREAS, the four municipalities desire to continue the operation of The Northland Public Library as a Local Library under the Library Code of Pennsylvania and also as an Authority under the Municipality Authorities Act of 1945, and also to construct the new library building, and by this agreement desire to set forth the terms and conditions under which the construction of the new library will be financed, the operation of the library will be financed and the library will be operated and governed both under the Library Code and the Municipality Authorities Act;

WHEREAS, Township of Marshall joined the Northland Public Library Authority on or about the 2nd day of November, 1988; and

WHEREAS, the five constituent parties to the Northland Public Library Authority have found it necessary and desirable to revise the Agreement entered into on July 25, 1977, for the purpose of establishing and maintaining a more predictable funding formula for the Northland Public Library;

NOW THEREFORE, the Township of Ross, the Town of McCandless, the Borough of Franklin Park, the Borough of Bradford Woods, and the Township of Marshall do hereby agree as follows:

1. Title to approximately four acres of land located on Cumberland Road in the Town of McCandless will be vested in the name of The Northland Public Library Authority and a new library building will be constructed on the said property. Sufficient funds for the construction of the new library building, and the furnishing thereof, shall be borrowed from a bank or other lending institution by the issuance of bonds or notes or other instruments of indebtedness of the Authority and guaranteed by the four municipalities. Repayment of the borrowed funds shall be guaranteed by the payment by each of the four municipalities to the Authority of that amount of money representing one (1) mill property taxes levied in each of the municipalities. The liability of each municipality for the indebtedness of the Authority incurred to build and furnish the new library building shall not be joint and several, but shall specifically limited to its obligation to make payment to the Authority of that amount of money representing one (1) mill of property taxes for seven (7) years as herein described. Payments shall be made annually on or before November 1 of each year commencing in 1977. The payments shall be made for a period of seven (7) years unless the indebtedness to the bank or other lending institution has been repaid prior to the expiration of the full seven (7) years. When the construction indebtedness has been paid off in full the obligation to pay one (1) mill of taxes to the Authority will terminate and payments to the Authority will thereafter be on a per capita basis as hereinafter described. Any alternate means of financing may be utilized by the Authority and/or the four participating municipalities in order to secure the best possible interest rate and/or other financing costs, with the understanding that each of the four municipalities will maintain its pledge of one (1) mill of property taxes each year of up to seven (7) years for the construction of the new library building. In the event financing is set up in such a way that the annual payment due the lending institution for principal and interest is on a date earlier than November 1, then the four municipalities will make every effort to make their annual payments to coincide with the financial arrangement established by the Authority Board. It will be the responsibility of the library Authority to complete the Library Building and the furnishing thereof for the minimal expenditure of funds and if possible, together with debt service, for less than the one (1) mill contribution of the four municipalities involved.

2. The expenses of the Northland Public Library shall be paid by funds provided from the participating municipalities (the Borough of Bradford Woods, Franklin Park Borough, Marshall Township, Ross Township and the Town of McCandless) according to a proportional formula composed of twenty per cent (20%) population, twenty per cent (20%) assessed valuation and sixty per cent (60%) circulation and usage.

The three elements of the formula are defined as follows:

Population: population shall be calculated from the estimated population figures provided by the Southwest Pennsylvania Regional Planning Commission and the

estimated census provided by the Pennsylvania State Census Data Center, added together and divided in half. The figure utilized shall be for the calendar year for which the budget is to be adopted.

Assessed Valuation: shall be based on the final Allegheny County Assessed Valuation figures for the calendar year in which the budget is proposed.

Circulation and Usage: shall be based on the circulation and usage figures calculated for the one year period from September 1 to August 31, with August 31 being a date in the calendar year in which the budget is proposed.

An example of how this three part formula is calculated is attached hereto as Appendix "A" for explanation purposes only.

The amount of the annual total municipal contributions and the computations of each individual municipality's share according to the formula will be submitted, on or after September 16th of each year, to the participating municipalities prior to the time for the passage of the budget and the setting of the tax millage by the member municipalities, and will be accompanied by the proposed operating budget of the Authority for the forthcoming year. Sixty days after the submission of the proposed operating budget to all member municipalities, it shall be deemed adopted unless any of the member municipalities object to the proposed operating budget and so notify the Library Board, within the said sixty day period after submission, in writing of their objection(s).

Rejection of the proposed operating budget shall constitute approval and continuation of the current year's operating budget until such time as a proposed operating budget is approved by the member municipalities in the manner set forth above.

By signing this agreement the five municipalities pledge their support to the Northland Public Library and its continued operation as a highly regarded local library, jointly funded by the five municipalities who are parties to this agreement. Payment of expenses shall be made by the member municipalities to the Authority in quarterly installments during the current calendar year; that is, by February 1, by May 1, by August 1, by November 1.

The funding formula established in this section shall be utilized for the calendar 1994, 1995, and 1996, and for each succeeding three year period thereafter, unless any of the member municipalities shall notify the Library Board in writing of opposition to the continuation of the said funding formula. Any such notice of opposition shall be conveyed to the Library Board in writing on or before March 31, 1996, or March 31 of the last year of each succeeding three year period thereafter. Unless a new formula is adopted by September 16 of the year in which such notice of opposition is received, the operating budget last approved shall be continued and utilized thereafter until a funding formula is approved by the member municipalities.

3. The library shall be operated by The Northland Public Authority in accordance with the Articles of Incorporation by the Authority which were executed by the member municipalities and approved by the Commonwealth of Pennsylvania. The Authority shall operate in accordance with By-Laws which have been adopted by the Authority Board and which are hereby approved by the member municipalities by the execution of this agreement and which are incorporated into this agreement by reference and made a part of this agreement. The Directors of the Authority shall also function and hold office as a Library Board under the Library Code of Pennsylvania so that The Northland Public Library may continue as a recognized local library under the State Library Code.

4. All real or personal property of The Northland Public Library shall be owned by The Northland Public Library Authority.

5. None of the member municipalities may withdraw as a party to this agreement or as a party to or a member of the Authority until the indebtedness incurred to build the new library building shall have been paid in full. Thereafter, any of the four municipalities may withdraw as a party to this agreement and as a participant in the Authority by giving, prior to the end of any calendar year, three full years advance notice in writing to each of the other municipalities. The notice of intent to withdraw must include a release by the withdrawing municipality to the Authority of all of its rights, title and interest of, in and to the assets or funds of the Library and the Authority. At the end of the said three full years, all liabilities of such withdrawn municipality under this agreement shall terminate.

6. Any other municipality wishing to participate in and become a member of The Northland Public Library Authority shall become admitted to and become a member of the Authority upon such terms and conditions as may be established by a three-fourths vote of the Authority Board in accordance with the weighted voting formula set forth in the By-Laws of the Authority.

7. The Board of the Authority, either in its capacity as the Authority Board or in its capacity as a Library Board, shall manage the operation of The Northland Public Library. The board members shall be appointed by member municipalities in accordance with the Articles of Incorporation of the Authority and officers of the board shall be elected and hold office in accordance with the By-Laws of the Authority. The Board of the Authority either in its capacity as the Authority Board or in its capacity as a Library Board, shall have all of the powers and duties, and shall be subject to all the limitations, contained in the Pennsylvania Library Code, the Municipality Authorities Act, The Articles of Incorporation of the Authority and the By-Laws of the Authority. These shall include but shall be not limited to;

A. The right to control and disburse all moneys appropriated for the building and/or maintenance of the library and all moneys, if any, received from other sources.

B. The right to accept donations and gifts as offered.

C. The duty to provide free library service to residents of the member municipalities. In addition, the Board may provide library service to residents of other municipalities to the extent deemed advisable and in accordance with charges established by the Board.

D. The duty to recommend a balanced budget for the operation of the library.

E. The duty to employ qualified librarians and other competent personnel, within budgetary limitations, and prescribe their duties.

F. The duty to develop and adopt written rules, regulations and statements of policy.

G. The duty to schedule regular Board meetings and maintain accurate records of members present and business conducted.

H. The duty to insure that Board members are conversant with current trends and legislation affecting libraries.

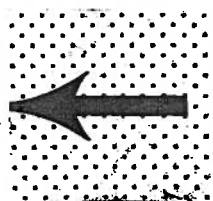
I. The providing of free access to the facilities of the library to all students in the North Allegheny School District. Any such students who are residents of any municipality other than the member municipalities shall not be entitled to free library cards for the removal of books from the library, but shall be entitled to use all of the books and other facilities at the library in connection with educational projects and activities.

J. The duty to make certain that library service will not be denied or abridged because of religious, racial, social, economic or political status.

K. The duty to fix salaries and personnel policies and classifications in keeping with standards prevailing in the area for similar services.

L. The duty to determine charges for lost books and fines for overdue books which shall be reasonable and shall in no event exceed the cost, and associated expenses, of the book.

8. Neither the Authority nor its Board of Directors shall be permitted to sell the library building or the land upon which it is to be erected without the unanimous consent of the governing bodies of all of the participating municipalities. In the event of any such sale or in the event of the dissolution of the Authority the proceeds from the sale or the assets of the Authority shall be divided among the then participating municipalities in the ratio that the financial contribution of each municipality from the inception of The

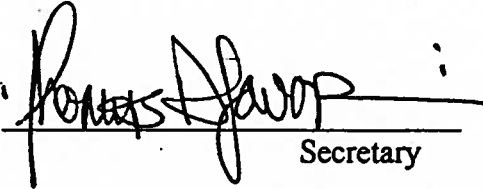


Northland Public Library in 1968 bears to the total financial contribution of all of the participating municipalities from the inception of the said Library.

The agreement of July 25, 1977 is hereby ratified, affirmed and continued in full force and effect in all other particulars and circumstances.

ATTEST:

TOWNSHIP OF ROSS


Secretary

By 
President, Board of Commissioners

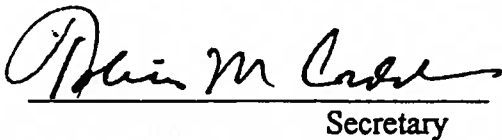
APPROVED AS TO FORM:

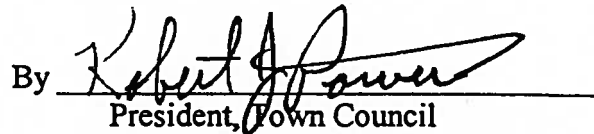
This Agreement authorized by Ordinance No. 1408 which was duly enacted by the Board of Commissioners of Ross on the 27 day of Dec., 1993.


Solicitor

ATTEST:

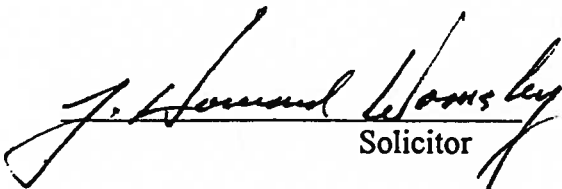
TOWN OF McCANDLESS


Secretary

By 
President, Town Council

APPROVED AS TO FORM:

This Agreement authorized by Ordinance No. 1113 which was duly enacted by the Town Council of the Town of McCandless on the 20th day of Dec., 1993.


Solicitor

ATTEST:

Annal A. Reubert
Secretary

APPROVED AS TO FORM:

William
Solicitor

BOROUGH OF FRANKLIN PARK

By Maureen A. M. Evey
President Of Council

This Agreement authorized by Ordinance No. 401-93 which was duly enacted by the Borough Council of the Borough of Franklin Park on the 10 day of Nov, 1993.

ATTEST:

Neelka D. Smith
Secretary

APPROVED AS TO FORM:

[Signature]
Solicitor

BOROUGH OF BRADFORD WOODS

By Quindly E. Burns
President Of Council

This Agreement authorized by Ordinance No. 336 which was duly enacted by the Borough Council of the Borough of Bradford Woods on the 14 day of Feb., 1993.

ATTEST:

Patricia Ditchison
Secretary

APPROVED AS TO FORM:

[Signature]
Solicitor

MARSHALL OF TOWNSHIP

By [Signature]
President, Board of Supervisors

This Agreement authorized by Ordinance No. 509 which was duly enacted by the Board of Supervisors of Marshall Township on the 3rd day of Nov, 1993.

APPENDIX A

The expenses of the Northland Public Library shall be paid by funds provided from the participating municipalities (the Borough of Bradford Woods, Franklin Park Borough, Marshall Township, Ross Township and the Town of McCandless) according to a formula composed of twenty per cent (20%) population, twenty per cent (20%) assessed valuation and sixty per cent (60%) circulation and usage.

The payment from each municipality shall be percentage obtained by adding:

1) the ratio each municipality's population bears to the total of the population of all participating municipalities multiplied by .20;

2) the ratio each municipality's assessed valuation bears to the total of the assessed valuation of all participating municipalities multiplied by .20;

3) the ratio each municipality's circulation and usage bears to the total of the circulation and usage of all participating municipalities multiplied by .60

A hypothetical example might be:

Population for each municipality

| | |
|------------------|--------|
| Bradford Woods: | 1,349 |
| Franklin Park: | 11,723 |
| McCandless: | 29,905 |
| Marshall: | 4,489 |
| Ross: | 33,940 |
| TOTAL POPULATION | 81,406 |

Then

Bradford Woods' ratio of population is .0166 times .20 = .0033

Franklin Park's ratio of population is .1440 times .20 = .0288

McCandless' ratio of population is .3674 times .20 = .0735

Marshall's ratio of population is .0551 times .20 = .0110

Ross' ratio of population is .4169 times .20 = .0834

Assessed Valuation for each municipality

| | |
|-----------------|---------------|
| Bradford Woods: | \$ 13,699,350 |
| Franklin Park: | \$133,036,830 |
| McCandless: | \$272,466,933 |
| Marshall: | \$ 77,028,000 |
| Ross: | \$280,415,300 |

TOTAL ASSESSED VALUATION \$776,646,413 Then

Bradford Woods' ratio of assessed valuation is .0176 times .20 = .0035

Franklin Park's ratio of assessed valuation is .1713 times .20 = .0343

McCandless' ratio of assessed valuation is .3508 times .20 = .0702

Marshall's ratio of assessed valuation is .0992 times .20 = .0198

Ross' ratio of assessed valuation is .3611 times .20 = .0722

Circulation/Usage for each municipality

Bradford Woods: 13,152
 Franklin Park: 115,413
 McCandless: 376,701
 Marshall: 39,606
 Ross: 356,015
 TOTAL CIRCULATION/USE 900,887 Then

Bradford Woods' ratio of circulation/use is .0146 times .60 = .0088

Franklin Park's ratio of circulation/use is .1281 times .60 = .0769

McCandless' ratio of circulation/use is .4181 times .60 = .2509

Marshall's ratio of circulation/use is .044 times .60 = .0264

Ross' ratio of circulation/ use is .3952 times .60 = .2371

These figures are then added together to determine the percentage for each municipality.

Bradford Woods: .0033 for population plus .0035 for assessed valuation plus .0088 for circulation equals .0156 or 1.560% as their percentage share of the Library's budget

Franklin Park: .0288 for population plus .0343 for assessed valuation plus .0769 for circulation equals .13992 or 13.992% as their percentage share of the Library's budget.

McCandless: .0735 for population plus .0702 for assessed valuation plus .2509 for circulation equals .39452 or 39.452% as their percentage share of the Library's budget.

Marshall: .011 for population plus .0198 for assessed valuation plus .0264 for circulation equals .05724 or 5.724% as their percentage share of the Library's budget.

Ross: .0834 for population plus .0722 for assessed valuation plus .2371 for circulation equals .39271 or 39.271% as their percentage share of the Library's budget.

SUMMARY:

| | <i>Population</i> | <i>+ Assessed Valuation</i> | <i>+ Circulation/Use</i> | <i>=</i> | <i>Percentage Share of Budget</i> |
|-----------------------|----------------------|-----------------------------|--------------------------|----------|-----------------------------------|
| <i>Bradford Woods</i> | <i>0.0033</i> | <i>0.0035</i> | <i>0.0088</i> | | <i>1.56%</i> |
| <i>Franklin Park</i> | <i>0.0288</i> | <i>0.0343</i> | <i>0.0769</i> | | <i>13.99%</i> |
| <i>McCandless</i> | <i>0.0735</i> | <i>0.0702</i> | <i>0.2509</i> | | <i>39.45%</i> |
| <i>Marshall</i> | <i>0.0110</i> | <i>0.0198</i> | <i>0.0264</i> | | <i>5.72%</i> |
| <i>Ross</i> | <i><u>0.0834</u></i> | <i><u>0.0722</u></i> | <i><u>0.2371</u></i> | | <i><u>39.27%</u></i> |
| <i>Totals</i> | <i>0.20</i> | <i>0.20</i> | <i>0.60</i> | | <i>100%</i> |

NORTHLAND PUBLIC LIBRARY
2004 Budget Income

| Account Title | 2002 Actual | 2003 Actual* | 2004 Rejected** | 2004 Current*** | 2004 Proposed**** |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Bradford Woods | \$21,934.00 | \$21,206.00 | \$23,490.00 | \$27,675.00 | \$23,029.00 |
| Franklin Park | \$216,196.00 | \$219,213.00 | \$226,839.00 | \$267,259.00 | \$222,391.00 |
| McCandless | \$525,214.00 | \$538,526.00 | \$534,177.00 | \$629,360.00 | \$523,703.00 |
| Marshall | \$98,158.00 | \$104,544.00 | \$105,634.00 | \$124,456.00 | \$103,563.00 |
| Ross | \$412,723.00 | \$390,736.00 | \$409,570.00 | \$482,549.00 | \$401,539.00 |
| Municipal Contribution | \$1,274,225.00 | \$1,274,225.00 | \$1,299,710.00 | \$1,531,299.00 | \$1,274,225.00 |
| State Aid | \$358,050.00 | \$347,476.00 | \$173,738.00 | \$173,738.00 | \$173,738.00 |
| Access PA | \$47,000.00 | \$47,000.00 | \$42,300.00 | \$42,300.00 | \$42,300.00 |
| State Funding | \$405,050.00 | \$394,476.00 | \$216,038.00 | \$216,038.00 | \$216,038.00 |
| ACLA | \$380,845.00 | \$380,845.00 | \$342,761.00 | \$338,029.00 | \$338,029.00 |
| Regional Use Rei | \$56,000.00 | \$56,000.00 | \$50,400.00 | \$50,400.00 | \$50,400.00 |
| RAD Funding | \$436,845.00 | \$436,845.00 | \$393,161.00 | \$388,429.00 | \$388,429.00 |
| Self Generated Income | \$164,920.00 | \$164,920.00 | \$134,700.00 | \$134,700.00 | \$134,700.00 |
| TOTAL BUDGET | \$2,281,040.00 | \$2,270,466.00 | \$2,043,609.00 | \$2,270,466.00 | \$2,013,392.00 |
| *as of November 2003 | | | | | |
| **Includes 2% increase in total municipal contribution, reflects decreases in state aid and ACLA/RAD funds. 2004 formula applied | | | | | |
| ***Per prior agreement among municipalities, Northland reverts to 2003 adopted budget | | | | | |
| Municipalities make up loss of funds due to cut in state aid, ACLA/RAD funding and drop in self-generated income | | | | | |
| ****Municipal contribution remains at 2003 level. 2004 formula applied, reflects decreases in state aid | | | | | |
| ACLA/RAD funds and self-generated income. | | | | | |

