

## **NORTHWEST TRI-COUNTY INTERMEDIATE UNIT NO. 5 BUDGET**

### **RESOLUTION**

WHEREAS, the Northwest Tri-County Intermediate Unit No. 5 ("Intermediate Unit") is a statutorily created entity in accordance with the Pennsylvania Public School Code of 1949 ("School Code"), Title 24 P.S. Section 9-901-A et seq.;

WHEREAS, Section 9-914-A (6) provides that the complete budget ("Budget") of the Intermediate Unit shall be approved by at least a majority of the school districts comprising the Intermediate Unit ("School Districts"); advertised or notice thereof given to the public in each of its component School Districts as required of local school district budgets by Section 6-687 of this Act on or before the first day of May and file the Budget with the Secretary of Education;

WHEREAS, the Northwest Tri-County Intermediate Unit is obligated to comply with the Department of Education Regulations at 22 Pa. Code Section 17.1 at sec. Section 17.1 of the Department of Education Regulations provides:

"An intermediate unit shall be operated in accordance with the  
Public School Code of 1949 (24 P.S. Section 1-101-27-2702) . . ."

WHEREAS, Section 25-2552.1 of the Pennsylvania Public School Code provides for a forfeiture of Three Hundred Dollars (\$300) per day for failure to submit the Budget to the Secretary of Education within thirty (30) days of the due date of May 1;

WHEREAS, pursuant to the Resolution and Action Plan adopted by the Intermediate Unit, forensic auditors, Alpern Rosenthal, have been retained to provide a three phase report concerning the operations of the Intermediate Unit;

WHEREAS, the forensic auditors have completed phase one and have tentatively scheduled the completion of phase two for June 15, 2013, and phase three for August 15, 2013;

WHEREAS, the complete Budget as submitted by the Intermediate Unit to the School Districts has not incorporated the findings of Alpern Rosenthal;

WHEREAS, the Superintendents recommend and request this resolution be adopted by the Board of School Directors of all School Districts comprising the Intermediate Unit:

1. Budget Approval. In light of the above-referenced paragraphs which are incorporated by reference, the Board of School Directors of the School Districts comprising the Intermediate Unit do hereby adopt and approve the complete Budget of the Intermediate Unit as submitted which does not incorporate the revisions and modifications which will be reflected in the Alpern Rosenthal phase three audit report.

2. Penalty. The complete Budget of the Intermediate Unit is approved in an effort to avoid the three hundred dollar (\$300) per day penalty which may be assessed by the Department of Education for failure of the Intermediate Unit to file its complete Budget by May 31, 2013.

3. Amended and Modified Budget. The Board of School Directors of the School Districts comprising the Intermediate Unit are adopting this complete Budget contingent upon the Intermediate Unit resubmitting an amended and modified complete Budget incorporating the final report and recommendations of Alpern Rosenthal, other suggested changes by the School Districts and Intermediate Unit Board for approval by the School Districts at their October 2013 meetings.

4. School Code. The approval of this amended and modified complete Budget is consistent with Section 6-687 of the Pennsylvania Public School Code, which provides the Board of School Directors of all School Districts, and the Intermediate Unit Board, with the power to authorize a transfer of any unencumbered balance or any portion thereof from one class of expenditure or item to another but such action shall be taken only during the last nine (9) months of the fiscal year.

This resolution was duly adopted by an affirmative vote of the majority of the members of the Board of School Directors of the \_\_\_\_\_ School District, \_\_\_\_\_ County, Pennsylvania, at a meeting duly advertised and held in accordance with provisions of the law.

\_\_\_\_\_ SCHOOL DISTRICT

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

#### **CERTIFICATE**

I hereby certify the forgoing is a true and correct copy of the Resolution duly adopted by an affirmative vote of the majority of members of the Board of School Directors of the \_\_\_\_\_ School District, \_\_\_\_\_ County, Pennsylvania, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013; that proper notice of such meeting was duly given as required by law; and that the said Resolution has been duly recorded in the Minutes of the Board of School Directors, showing how each member voted thereon.

IN WITNESS WHEREOF, I have set my hand and fixed the seal of said School District, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Secretary, Board of School Directors