

CALN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-07

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CALN TOWNSHIP
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
COOPERATION AGREEMENT FOR THE PURPOSE OF JOINING WITH OTHER
MUNICIPALITIES AS A MEMBER OF THE CHESTER COUNTY
EMERGENCY RESPONSE COMMISSION**

WHEREAS, the safety of the citizens of Caln Township is a priority of the Caln Township Board of Commissioners; and

WHEREAS, the Caln Township Board of Commissioners and the Caln Township Police Department have determined that there is a need for and a substantial benefit to be derived from pooling specialized police services, including the need for emergency response team services, and other such specialized police services as determined in the future, and

WHEREAS, the Pennsylvania Intergovernmental Cooperation Act, Act 1996-177, hereinafter the "Act", permits local governments to jointly cooperate and enter into joint agreements in the performance of their respective governmental functions, powers, or responsibilities; and

WHEREAS, the Borough of Downingtown and the Townships of East Vincent, Kennett, Schuylkill, and Tredyffrin (collectively the "Member Municipalities") have entered into cooperation by executing Articles of Agreement (the "Agreement") creating the Chester County Emergency Response Commission (the "Commission"); and

WHEREAS, the Articles of Agreement authorize other local governments to join the Commission upon application to the Commission, upon approval of a majority of the Member Municipalities, and upon acceptance of the provision of the Agreement; and

WHEREAS, Caln Township desires to join the Commission by adoption of this Ordinance.

NOW, THEREFORE BE IT ENACTED AND ORDAINED, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The title and recitals to this Ordinance as set forth above are incorporated herein by reference.

Section 2. Authorization of Agreement.

The Board of Commissioners of Caln Township hereby authorizes the execution of the Agreement (“Agreement”), attached hereto as Exhibit A, between the Member Municipalities and Caln Township and such other Chester County municipalities who have joined the Commission or may join the Commission in the future, and, upon approval of Caln Township’s application for membership by a majority of the Member Municipalities, hereby agrees to be bound by the terms and conditions of the Agreement.

Section 3. Purposes and Objectives of the Agreement.

The purpose of the Agreement is to carry out the powers and duties of municipalities as set forth in 42 Pa.C.S.A § 8951, *et seq.* (the Municipal Police Jurisdiction Act) with the assistance from various other municipalities in response to police emergencies which occur in and around Chester County, Pennsylvania where a specialized emergency law enforcement response is requested and necessary to achieve a safe resolution of the emergency situation for all individuals involved in the situation, the responding law enforcement officers and the general community.

The Caln Township Board desires to collectively associate and cooperate with the other Member Municipalities, by virtue of the Agreement, in furtherance of the forgoing purposes and objectives.

Section 4. Term of Agreement.

Caln Township shall become a member of the Commission upon application to the Commission, upon approval of a majority of the governing bodies of the Member Municipalities, and upon acceptance of the provisions of the Agreement. The initial one-year term as a member of the Commission shall commence on the date of enactment of this Ordinance. Thereafter, the term of the Agreement shall automatically renew annually for one-year terms on the first day of each subsequent year, unless the Township withdraws from the Commission or if the Commission is dissolved pursuant to the terms of the Agreement.

Section 5. Financing of the Agreement.

Caln Township shall pay an annual membership fee per calendar year as set forth in the Agreement.

Section 6. Organizational Structure and Governance.

The Commission shall be organized and governed as set forth in Article 3 of the Agreement. An Executive Board shall be responsible for the implementation of the

terms of the Agreement and the daily operational needs of the Commission. The Commission shall adopt By-laws and Standard Operating Guidelines.

Section 7. The Commission shall have the authority and power to:

- a. Lease, sell, and purchase real estate;
- b. Lease, sell and purchase personal property;
- c. Enter into contracts for the purchase of goods and services;
- d. Establish and maintain bank accounts and other financial accounts;
- e. Invest monies;
- f. Borrow monies;
- g. Apply for and receive grant funding from other public and private sources;
- h. Enter into insurance contracts for health and other benefits for Commission employees;
- i. Pay into the Social Security fund for Commission employees; and
- j. Any other lawful activity under the laws of the Commonwealth.

Section 8. Disposition of Property.

The Commission shall have the power to acquire and own real and personal property. In the event of dissolution of the Commission, all equipment, materials, and supplies owned by the Commission shall be distributed as set forth in Article 11 of the Agreement.

Section 9. Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Caln Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 10. Effective Date.

This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this 13th day of October, 2022.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Kristen Denne, Secretary

Paul Mullin, President

Jane Kennedy, Vice President

Lorraine Tindaro, Member

Joshua B. Young, Member

Mark Evans, Member