

FRANKLIN TOWNSHIP

Erie County, PA

West Erie County Emergency Management Agency Council of Governments Ordinance and Intergovernmental Cooperative Agreement

ORDINANCE NO. 3 of 2010

AN ORDINANCE OF FRANKLIN TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, PROVIDING FOR ENTERING INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE EXISTING WEST ERIE COUNTY EMERGENCY AGENCY COUNCIL OF GOVERNMENTS AND OTHER INTERESTED MUNICIPALITIES WHO MAY WISH TO JOIN LOCATED WITHIN ERIE COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF ESTABLISHING ONE JOINT EMERGENCY OPERATIONS PLAN FOR PARTICIPATING MUNICIPALITIES.

WHEREAS, various municipalities located within Erie County, Pennsylvania desire to enter into an Intergovernmental Cooperation Agreement to form a Council of Governments (COG) and to adopt a Joint Emergency Operations Plan as their municipal emergency operations plan; and

WHEREAS, said municipalities have determined that the residents of each municipality will be best served by adopting the Joint Emergency Operations plan as their own plan rather than having separate emergency operations plans in each of the respective municipalities;

NOW, THEREFORE, be it Ordained and Enacted by Franklin Township, Erie County, Pennsylvania, by the authority of and pursuant to the provisions of 53 Pa. C.S.A., Chapter 23, and pursuant to the authority and the provisions of the Emergency Management Services Code, 35 Pa. C.S. 7101-7707, as amended, as follows:

Section 1. Parties and Purpose

Franklin Township hereby resolves to enter into an intergovernmental cooperation agreement with the other municipalities of the existing COG and such other municipalities as would desire to enter into an intergovernmental cooperation agreement in the future, and hereby agree that the Joint Emergency Operations Plan will serve as the emergency operations plan for each municipality that signs the intergovernmental cooperation agreement.

Section 2. Conditions of Agreement

The conditions of the intergovernmental cooperation agreement to be entered into between the participating municipalities and Erie County are described as follows:

- A. The municipalities agree that they shall adopt and declare the Joint Emergency Operations Plan to be the emergency operations plan of each of their municipalities for the purpose of fulfilling the requirement in subsection 7503(1) of the emergency management services code to prepare, maintain, and keep current a disaster emergency management plan for each of their municipalities.

- B. Each municipality shall annually review the Joint Emergency Operation Plan and recommend changes, improvements or additional information to the plan.

Section 3. Duration of Agreement

The Agreement shall be for an indefinite term. Any municipality can withdraw from the Agreement upon sixty (60) days notice.

Section 4. Purpose and Objective of Agreement

The purpose and objectives of the Agreement are to carry out all powers and duties as set forth in the Emergency Management Services Code, 35 Pa. C.S. §7503 as may be amended from time to time.

Section 5. Organizational Structure

The organizational structure shall be governed and controlled by the terms and conditions of the Agreement as set forth in Section III of the Agreement as may be amended from time to time. The Agreement is incorporated herein as Appendix A.

Section 6. Real and Personal Property

Personal property may be acquired by the participatory municipalities subject to the review and approval of each. No acquisition of real property is authorized.

Section 7. Benefits

The authority to hire employees is reserved to the municipalities through future agreement; therefore, the entity created has no power to enter into contracts for group insurance or unemployment benefits.

Section 8. Repeal of Inconsistent Resolutions and Ordinances

All resolutions and ordinances, or parts of either, which are inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 9. Invalidity

The invalidity of any part of this Ordinance shall not affect the validity of any other part of this Ordinance.

Section 10. Registration with County

A copy of this Ordinance shall be filed with the Erie County Emergency Management Agency and shall remain in effect unless amended. Any amendments shall also be filed with the Erie County Emergency Management Coordinator.

Section 11. Effective Date

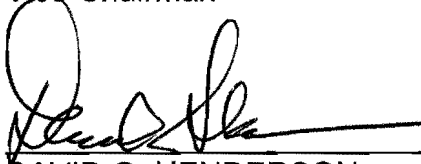
This Ordinance shall become effective five days following enactment by Franklin Township.

APPROVAL PAGE
FRANKLIN TOWNSHIP ORDINANCE NO. 3 OF 2010

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS


JOHN J. SACHAR
Chairman

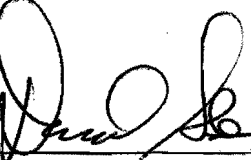

GARY L. TRUITT
Vice-Chairman


DAVID G. HENDERSON
Supervisor

Attest:


DAVID G HENDERSON
Secretary

I hereby certify that the foregoing Ordinance was advertised in the Albion News on the 24th day of June, 2010, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the 13th day of July, 2010.


DAVID G HENDERSON
Secretary

FRANKLIN TOWNSHIP

Erie County, PA

INTERGOVERNMENTAL COOPERATION AGREEMENT JOINT EMERGENCY OPERATIONS PLAN

This Intergovernmental Cooperation Agreement dated this 10th day of August, 2010 by and among Franklin Township and the municipalities of the West Erie County Emergency Management Agency Council of Governments (hereinafter referred to as "Agency" or "COG"), all located in Erie County Pennsylvania (hereinafter referred to as the "Participating Municipalities").

Section I. Authority

The Emergency Management Services Code, 35 Pa. C.S., Section 7101 et seq. (hereinafter the "Code"), authorizes and encourages municipalities to enter into intergovernmental cooperative agreements for the purpose of establishing a local emergency management organization with responsibility for merging management, response and recovery within the territorial units of the participating municipalities.

Section II. Participation in Agreement

All Participating Municipalities shall approve the Joint Emergency Operations Plan and are authorized and directed to enter into this Intergovernmental Cooperation Agreement.

Section III. Organization

The Agency is created and exist under and by virtue of the authority of the Code and this Agency shall be comprised of representatives of the Participating Municipalities. The participation of each municipality in this Agency shall be governed and controlled by the terms and conditions of this Agreement, as duly amended; the provisions of the applicable Pennsylvania laws and regulations; by-laws that may be adopted by the Participating Municipalities; and such other policies as may be duly adopted by the Agency in accordance with this Agreement.

Section IV. Finances

The Agency and its activities shall be operated with funds provided by the Participating Municipalities and such other grants or funding as may be available.

Section V.

The Agency and the Agreement governing it shall be for an indefinite term and dependent upon the continued participation of the various member municipalities. The Participating Municipalities can withdraw from the Agency upon sixty (60) days notice.

Section VI. Municipality Participation

- A. The governing body of each Participating Municipality shall appoint such persons or representatives as shall be necessary to serve on the Agency.
- B. The governing body of each Participating Municipality shall authorize, budget, appropriate and pay in a timely manner such initial and annual fees and other necessary charges to provide the Agency with fiscal resources for its operational requirements.
- C. Municipal Officials and employees of the Participating Municipality shall cooperate fully with the Agency to accomplish the goals and objectives of the Agency.

Section VII. Agency Powers and Duties

The powers and duties of the Agency, its officials, employees and representatives, shall include the following:

- A. The Agency shall recommend the appointment of an individual to serve in an independent contractor status as the Emergency Management Coordinator ("EMC") for the territorial limits of the Participating Municipalities with responsibility for operational control of emergency response operations within the territorial limits of the Agency. The EMC will work as an independent contractor in accordance with the terms and provisions of an Independent Contractor Agreement signed by the EMC and the Agency.
- B. Subject to review and approval of each of the Participating Municipalities, the Agency shall prepare and maintain a Joint Emergency Operations Plan that can be implemented for response to emergencies affecting the Participating Municipalities.
- C. Subject to review and approval of each of the Participating Municipalities, the Agency shall be responsible for planning and resource development for emergency operations within the territorial limits of the Participating Municipalities.
- D. Subject to review and approval of each of the Participating Municipalities, the Agency shall carry out all other powers and duties of the Participating Municipalities as set forth in the Code, at 35 Pa. C.S. § 7503 as may be amended from time to time.

Section VIII. Property

Subject to review and approval of each of the Participating Municipalities, the Agency may acquire, manage, or dispose of property. No acquisition of real property or real estate is authorized.

Section IX. Agency Employees

There is no current authority for Agency employees. Service in the Agency is on a voluntary basis by the Participating Municipalities.

Section X. Severability

Should any section, part or provision of this Agreement be declared by an appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and part hereof shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS


JOHN J. SACHAR
Chairman

Attest:


DAVID G. HENDERSON
Secretary

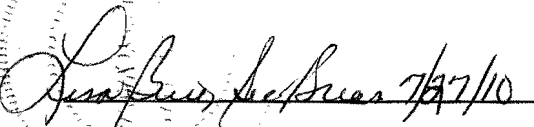
**APPROVAL PAGE
INTERGOVERNMENTAL COOPERATION AGREEMENT
JOINT EMERGENCY OPERATIONS PLAN**

GIRARD TOWNSHIP
BOARD OF SUPERVISORS



Chairman

Attest:



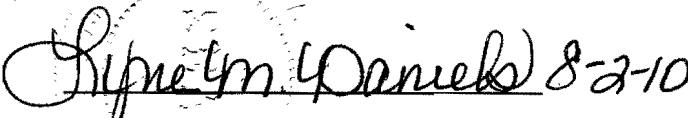
Secretary

PLATEA
BOROUGH COUNCIL



Mayor ~~PRESIDENT~~

Attest:



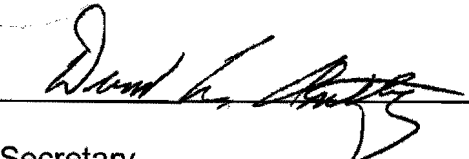
Secretary

WASHINGTON TOWNSHIP
COUNCIL



Mayor

Attest:



Secretary