

TOWNSHIP OF WEST COCALICO

ORDINANCE NO. 03072019

AN ORDINANCE AUTHORIZING EAST COCALICO TOWNSHIP, DENVER BOROUGH, ADAMSTOWN BOROUGH, WEST COCALICO TOWNSHIP AND THE WEST COCALICO TOWNSHIP AUTHORITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE A MECHANISM BY WHICH THE VARIOUS MUNICIPALITIES MAY ASSIST EACH OTHER WITH PROVIDING PUBLIC WORKS SERVICES IN THE CASE OF EMERGENCIES.

WHEREAS, East Cocalico Township, Denver Borough, Adamstown Borough and West Cocalico Township are adjacent municipalities within Lancaster County, Pennsylvania;

WHEREAS, the West Cocalico Township Authority is a municipal authority formed by West Cocalico Township to provide municipal services within West Cocalico Township;

WHEREAS, each of the parties to the Intermunicipal Agreement (“Agreement”) is responsible for providing various municipal services to their residents, including services regarding water lines, sewer lines, roadways, and other public works; and

WHEREAS, occasions arise for each of the parties to the Agreement whereby in the course of various emergencies, they are understaffed to provide all of the necessary public work services required by their residents; and

WHEREAS, the parties to the Agreement wish to provide a mechanism by which each will assist the other with providing public work services, in the case of emergencies, when able to do so; and

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 et seq. (“ACT”), permits the parties to enter into an agreement to cooperate for the performance of their respective functions, powers, or responsibilities.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, as follows:

Section 1. The Board of Supervisors of West Cocalico Township agrees that East Cocalico Township, Denver Borough, Adamstown Borough, West Cocalico Township and the West Cocalico Township Authority shall join together in accordance with the ACT by entering into the Agreement which is adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance is enacted.

Section 2. West Cocalico Township is hereby authorized to enter into the Agreement for the purposes contained therein.

Section 3. As required by the ACT, the following matters are specifically found and determined:

- A. The conditions of the Agreement are set forth in Section 1.
- B. The Agreement shall commence upon the effective date of the adoption of this Ordinance by all participating municipalities as provided in the Agreement and shall end, as to any party to the Agreement, when such party has terminated its participation in accordance with the terms set forth in paragraph 14 of the Agreement.
- C. The purposes and objective of the Agreement are to provide a mechanism by which each may assist the other with public works services in the case of

emergencies when able to do so.

D. Each of the parties shall bear the costs related to the services provided in accordance with the terms of the Agreement.

E. No new organizational structure is proposed by the Agreement.

F. The Agreement does not contemplate the purchase of any real or personal property.

G. The parties to the Agreement have the power to enter into contracts for policies of insurance or other employee benefits.

Section 4. The Board of Supervisors is authorized to take such other action as may be necessary to carry out the purposes of this Ordinance in connection with the implementation of the Agreement.

Section 5. The Board of Supervisors reserves the right to modify, supplement or amend the Agreement from time to time by resolution or ordinance.

Section 6. All other intergovernmental agreements between West Cocalico Township, East Cocalico Township, Denver Borough, and/or Adamstown Borough, or among such municipalities and third parties presently existing are hereby ratified and confirmed to the extent such agreements are not inconsistent with the Agreement authorized herein.

Section 7. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not effect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors of West Cocalico that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 8. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Cocalico as provided by law.

DULY ORDAINED AND ENACTED this 7th day of March, 2019, by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO
Lancaster County, Pennsylvania

Attest:

Jeffrey S. Sander
(Assistant) Secretary

By:

James J. Hene
(Vice) Chairman
Board of Supervisors

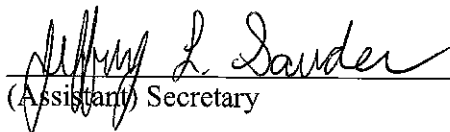
[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of West Cocalico, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of West Cocalico at a meeting duly held on the 7th day of March, 2019; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of West Cocalico met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of West Cocalico or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of West Cocalico, this 7th day of March, 2019.



(Assistant) Secretary

[TOWNSHIP SEAL]