

TOWNSHIP OF CONESTOGA,
LANCASTER COUNTY

ORDINANCE NO. 2017-02

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF CONESTOGA, LANCASTER COUNTY, PENNSYLVANIA, TO ENTER INTO THE INTERMUNICIPAL AGREEMENT WITH THE TOWNSHIP OF PEQUEA, LANCASTER COUNTY, PENNSYLVANIA, TERMINATING THE SOUTHERN REGIONAL POLICE COMMISSION AND EFFECTUATING THE EXECUTION THEREOF.

WHEREAS, Conestoga Township ("Conestoga") and Pequea Township ("Pequea") (collectively the "Municipalities") are adjoining municipalities located within Lancaster County; Pennsylvania, and

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa. C.S. §2301 *et seq.*, permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, Conestoga, by Ordinance No. 01-02, and Pequea, by Ordinance No. 128-2002, were authorized to enter into and did enter in to an Intermunicipal Agreement providing for the formation of the Southern Regional Police Commission (hereinafter "Commission") and the Southern Regional Police Department (hereinafter the "Department") with an initial fixed term ending December 31, 2008; and

WHEREAS, Conestoga, by Ordinance No. 2007-04, and Pequea, by Ordinance No. 155-2007, and by the First Amendment to Articles of Agreement extended the initial fixed term of the Agreement to December 31, 2013; and

WHEREAS, Conestoga, by Ordinance No. 03-2011, and Pequea, by Ordinance No. 166-2011, and by the Second Amendment to Articles of Agreement extended the term of the Agreement to December 31, 2016; and

WHEREAS, Conestoga, by Ordinance No. 02-2015, and Pequea, by Ordinance No. 182-2015, and by the Third Amendment to Articles of Agreement extended the term of the Agreement to December 31, 2020 and made other changes to the Agreement; and

WHEREAS, Conestoga and Pequea have thoroughly reviewed and analyzed the Articles and determined that it would be in the best interests of the Municipalities individually and collectively to terminate the Articles, and in particular dissolve the Commission, as more fully set forth in the attached Agreement to Terminate the Articles of Agreement as Amended (hereinafter "Termination Agreement"); and

WHEREAS, Conestoga approved the Termination Agreement at its public meeting of February 7, 2017; and

WHEREAS, Pequea approved the Termination Agreement at its public meeting of March 22, 2017; and

WHEREAS, subsequent to the approval of the Agreement it was discovered that certain changes to the funding streams to the Department were necessary during the remaining term of the Amended Articles of Agreement which should be incorporated into any final Termination Agreement; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed in force as to any municipality when the same has been approved by ordinance by all cooperating municipalities; and

WHEREAS, the Termination Agreement requires at Paragraph 10 requires that each municipality enact an ordinance for the purpose of authorizing and effectuating the Termination Agreement; and

WHEREAS, the Municipalities desire to enact such ordinances necessary to provide for the dissolution of the Commission.

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

Section 1. The caption and recitals of this Ordinance as set forth above are incorporated herein by reference.

Section 2. Conestoga agrees that Conestoga Township and Pequea Township shall join with each other in accordance with the Pennsylvania Intergovernmental Cooperation Act by executing and effectuating the Termination Agreement which is attached hereto and incorporated herein, and 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 was enacted.

Section 3. Conestoga is authorized to implement the Termination Agreement for the purposes contained therein. The Termination Agreement shall be executed by the Chairman or Vice Chairman of the Board of Supervisors and attested to by the Secretary or Assistant Secretary of the Township, with implementation thereof delegated to appropriate Conestoga personnel.

Section 4. As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

- A. The conditions of the agreement are set forth in the Termination Agreement.
- B. This Termination Agreement is for an indefinite term.
- C. The purposes and objectives of the Termination Agreement are to facilitate the dissolution of the Southern Regional Police Commission, provide for the apportionment of the property and assets thereof while providing for continued police services within the Municipalities, and amend the funding provisions of the Articles

- of Agreement.
- D. The Municipalities pursuant to the Termination Agreement shall individually bear the cost of dissolution of the Commission.
 - E. No new organizational structure is formed by the Termination Agreement. To the contrary, the Southern Regional Police Commission shall be dissolved and the Southern Regional Police Department shall continue as part of Pequea Township.
 - F. All property of the dissolved Southern Regional Police Commission shall be transferred to Pequea Township in accordance with the terms of the Termination Agreement, with Conestoga Township entitled to a proportional share thereof for use as a credit towards the purchase of future police services.
 - G. With the dissolution of the Commission, it shall no longer have the power to acquire, manage, license or dispose of any real or personal property; each participating Municipality shall remain individually responsible for its own real and personal property within their respective municipal boundaries.
 - H. Each municipality shall continue to have the power to separately enter into contracts for policies of insurance or employee benefits.

Section 5. 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 affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

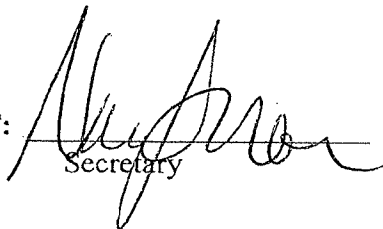
Section 6. All ordinances or parts of ordinances inconsistent herewith, including but not necessarily limited to Ordinances 01-02, 2007-04, 03-2011, and 02-2015, are hereby repealed insofar as they may conflict with this Ordinance.

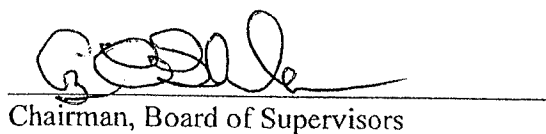
Section 7. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Conestoga as provided by law.

DULY ORDAINED AND ENACTED this 10 day of June, 2017 by the Board of Supervisors of the Township of Conestoga, Lancaster County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF CONESTOGA
LANCASTER COUNTY, PENNSYLVANIA**

ATTEST:


Secretary


Chairman, Board of Supervisors

