

Borough of Harmony of Butler County, Pennsylvania

Ordinance # 432

For

Intergovernmental Emergency Cooperation

AN ORDINANCE TO REPEAL ORDINANCE No. 418 EMA INTERGOVERNMENTAL AGREEMENT AND AUTHORIZING PARTICIPATION IN A NEW INTERMUNICIPAL EMERGENCY MANAGEMENT PROGRAM OF THE BOROUGH OF HARMONY, DELEGATING MUNICIPAL POWERS OF MANAGEMENT/COORDINATION OF PENNSYLVANIA EMERGENCY MANAGEMENT SERVICE CODE IN THE EVENT OF A DISASTER, NATURAL OR HUMAN CAUSED, TO SATISFY THE REQUIREMENTS OF THE PENNSYLVANIA EMERGENCY MANAGEMENT SERVICES CODE.

THIS ORDINANCE, ESTABLISHING AN AGREEMENT, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S. § 2303, et. Seq., is hereby approved and entered as of the date of adoption of the Ordinance # 432 by the Borough of Harmony, (hereinafter "Municipality") and effective (5) days thereafter.

WITNESSETH:

WHEREAS, the Borough of Harmony is a municipality located with **Butler County, Pennsylvania;** and

WHEREAS, the Municipality recognizes that the growth and development in **Butler County** in general, and in the geographic limits of the Municipality in particular, their responsibility for the protection of their citizens in case of disaster;

WHEREAS, the Municipality recognizes the need to repeal Ordinance No. 418, the former EMA Intergovernmental agreement in order to expand the EMA in our region of **Butler County;**

WHEREAS, the Municipality has agressed to form a non-profit corporation with the Borough of Harmony, the Township of Jackson, and the Township of Lancaster, all in Butler County, Pennsylvania, which shall be referred to as the Seneca Area Emergency Management Agency, Inc., for local management/coordination of the Pennsylvania Emergency Management Services Code 35 Pa. C.S. Section 7101 et seq. as amended and 35 Pa. C.S. 7503(1), and has determined that participation will be beneficial and convenient for its residents both in terms of cost and efficiency of administration all of which protect and preserve the health, safety and welfare of its citizens; and

WHEREAS, the Municipality has determined that it has a need for administration of the Pennsylvania Emergency Management Services Code for the protection of the persons and property of its residents and protection of the general public safety; and

WHEREAS, the Municipality recognizes that the employment/appointment of emergency management officials to perform identical tasks within each Municipality would result in the duplication of effort and duplication of costs to the detriment of the residents of all Municipalities; and

WHEREAS, the Municipality recognizes that the coordination of services would enable each municipality to minimize the costs of the administration of an emergency management program; and

WHEREAS, the Act of July 12, 1972, P.L. 762, as amended, 53 P.S. § 481 et seq., also known as the Intergovernmental Cooperation Act, permits Municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Municipality desires to enter into an agreement whereby it will jointly establish a non-profit corporation to execute an emergency management program to serve Municipalities throughout **Butler County**.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED and an Intergovernmental Emergency Cooperation Agreement is approved, in consideration of the various covenants, promises, and conditions hereinafter set forth and for other good and valuable consideration receipt of which is hereby acknowledged, it is hereby authorized and agreed by and between the Borough of Harmony and any and all other noted Municipalities of the Seneca Area Emergency Management Agency, Inc., located within the geographic boundaries of **Butler County** as follows:

WHEREAS, the Municipalities recognize that the employment, appointment or contracted of separate Emergency Official(s) to perform identical tasks within each Municipality could result in the duplication of effort to the detriment of the residents of the Municipalities; and

WHEREAS, the Municipalities recognize that the coordination of services would enable each Municipality to minimize the costs of the administration of the Pennsylvania Emergency Management Services Code; and

WHEREAS, the Act of July 12, 1972, P.L. 762, as amended, 53 P.S. § 481 et seq., also known as the Intergovernmental Cooperation Act, permits Municipalities to enter into

agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Municipality and the several other participating Municipalities hereby enter into an agreement whereby they will jointly establish a non-profit corporation called the Seneca Area Emergency Management Agency, Inc., that will provide services to the Municipalities.

NOW, THEREFORE, with the foregoing background incorporated herein by reference and made a part hereof, and in consideration of the mutual promises and obligations set forth herein, and intending to be legally bound hereby, the parties agree as follows:

1. Establishment of Emergency Management Agency. The Municipality and the several other participating Municipalities shall jointly establish a non-profit corporation for the management of the Pennsylvania Emergency Management Services Code which shall include the enactment and adoption of Bylaws to govern the management, membership, appointment of a Emergency Officials, funding and other necessary functions of the non-profit corporation. Such program shall be known as the Seneca Area Emergency Management Agency, Inc., and shall be administered in accordance with the provisions the Bylaws of the Agency.

2. Establishment of the Board of Directors and Membership.

A. Membership and Board of Directors. Membership and the appointment of a Board of Directors shall be governed by the Bylaws attached hereto and labeled as Exhibit "B."

B. Meetings. The Board of Directors shall meet as set forth in the Bylaws attached hereto and labeled as Exhibit "B."

C. Voting. All actions by the Board of Directors shall be put to a vote as set forth in the Bylaws attached hereto and labeled as Exhibit "B."

3. Responsibility of Municipalities. The following activities are the individual responsibility of each municipality.

A. Enacting an Ordinance that ratifies the Municipality's participation in the Inter-municipal Pennsylvania Emergency Management Services Code Coordination of the Seneca Area Emergency Management Agency, Inc., in accordance with the requirements of the Intergovernmental Cooperation Act.

B. Adopting or amending the Municipality's existing fee resolution(s) providing fees to be imposed for management/coordination as set forth in the Bylaws.

C. Provide adequate insurance coverage to include errors and omissions insurance and general liability insurance for actions of the Seneca Area Emergency Management Agency, Inc.

D. Eliminate the position of, or modify the responsibilities of, any existing Municipal employee so as to eliminate conflicts and/or overlaps with the responsibilities of the Seneca Area Emergency Management Agency, Inc., and its Emergency Officials.

5. **Emergency Management Official(s).** Emergency Official(s) shall be hired, appointed or contracted, as needed, at the sole discretion of the Board of Directors as set forth in the Bylaws to execute the Pennsylvania Emergency Management Services Code Program.

6. **Program Cost Sharing.** Each Municipality shall participate in their share of the costs of administering Seneca Area Emergency Management Agency, Inc., services according to the Bylaws.

7. **Grants.** With the help of the Board of Directors each Municipality shall take reasonable steps to obtain from federal, state and other agencies such grants and aid as may be from time to time available to carry out the intent of this agreement. If grants may be obtained for the purchase of property to be used, such as a computer, the Board of Directors shall coordinate the application and shall determine which Municipality or agency shall take title to any such equipment.

8. **Duration of Agreement.** The term of this Agreement shall be for a period of one (1) year commencing with the date of execution hereof by the Municipality and several other participating Municipalities. This agreement shall be automatically renewed for an additional term of one (1) year at the conclusion of the initial term and each renewal term thereafter unless, at least ninety (90) days prior to the beginning of the fiscal year, the Municipality which does not desire to renew the Agreement, gives written notice of such refusal to renew to the Board of Directors, in writing.

9. **Participation of Other Municipalities.** Additional Municipalities may become a party to this Agreement upon the consent of the Board of Directors at the time such a request is made. A Municipality which desires to become a party to this Agreement shall make application to the Board of Directors and shall in writing agree to accept all terms and conditions of this Agreement and the Bylaws. Failure to act upon an application to become a party to this Agreement within sixty (60) days of receipt of such application shall be considered to be a denial of consent to become a party to this Agreement.

10. **Withdrawal from Agreement.** Any Municipality may withdraw from participation at the end of the term of this Agreement or any extension thereof by notifying the Board of Directors in writing of the intention to withdraw at least ninety (90) days before the expiration of such term as provided in Section 8 herein. Notwithstanding the foregoing, any Municipality may withdraw from this Agreement for cause by providing the Board of Directors with written notification of the cause of such withdrawal. During such notification period, the governing body of any other Municipality shall have the right to challenge the cause for withdrawal. In the event such a challenge is made, the withdrawing Municipality and the challenging Municipality shall mediate their differences within thirty (30) days. If, after meeting

with a mediator, such differences cannot be resolved, the withdrawing Municipality shall be permitted to withdraw on the next anniversary date of this Agreement.

11. Amendment. This Agreement may be amended only by written instrument signed by all Participating Municipalities.

12. Interpretation. This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

13. Severability. The provisions of this Agreement are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Agreement. It is hereby declared to be the intent of the governing bodies of each participating Municipality that this Agreement would not have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had been included herein.

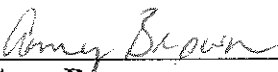
14. Enactment of Ordinance Under Intergovernmental Cooperation Act.

The governing body of each Municipality agrees to enact an Ordinance within ninety (90) days from the date hereof pursuant to and in accordance with the Pennsylvania Intergovernmental Cooperation Act for the purpose of authorizing and effectuating this Agreement.


IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

ATTEST

BOROUGH OF HARMONY



Amy Brown
Borough Secretary

By: 

Gregory Such, President
Borough Council

EXAMINED AND APPROVED BY ME THIS 3rd DAY OF June, 2020.



Cathy Rape, Mayor

(Seal)

EXHIBIT "A"

INTERMUNICIPAL EMERGENCY COOPERATION AGREEMENT

THIS AGREEMENT made this 3rd day of June, 2020, by and between the Borough of Harmony, a municipal corporation organized under the laws of Pennsylvania with its municipal offices located in the County of Butler, Commonwealth of Pennsylvania, and various other local participating Boroughs, Cities and Townships within the Commonwealth, for a purpose.

WITNESSETH:

WHEREAS, the Borough of Harmony and several other participating communities (the "other Municipalities") are Municipalities located within the County of Butler, Pennsylvania; and

WHEREAS, the Municipality and the other Municipalities recognize that the growth and development within **Butler County** in general, and in the Municipality in particular, their responsibility for the protection of their citizens in case of disaster;

WHEREAS, each Municipality has also recognized that coordinating of the Pennsylvania Emergency Management Services Code through an Ordinance of the Municipality would be beneficial for its residents and would protect and preserve the health, safety, and welfare of its citizens; and

WHEREAS, the Municipalities have recognized that administration of the Pennsylvania Emergency Management Services Code would be best undertaken through the employment/appointment or contract of one or more trained professional Emergency Management Official(s); and

1. The Municipality hereby adopts this ordinance authorizing intergovernmental cooperation through membership in the Seneca Area Emergency Management Agency, Inc., a non-profit corporation as applicable according to its terms to all structures and property within the geographic limits of the Municipality.
2. The Municipality hereby joins in creating the Seneca Area Emergency Management Agency, Inc., as the agency for the Pennsylvania Emergency Management Services Code Coordination and delegates all such powers as set forth below and as may be reasonable and necessary to carry out the Municipality's Services Code and all Ordinances and Resolutions implementing the same, within the geographic limits of the Municipality.
3. The Municipality hereby adopts the Bylaws of the Seneca Area Emergency Management Agency, Inc., and authorizes its officers to execute the same.
4. The Seneca Area Emergency Management Agency, Inc., shall provide all normal and appropriate management/coordination of the Pennsylvania Emergency Management Service Code within the geographic limits of the Municipality, on the same basis as the services that area provided within the geographic limits of other member municipalities.

The Seneca Area Emergency Management Agency, Inc., shall have those powers and abilities as appertain to municipal officers under the laws of the Commonwealth of Pennsylvania, or the Rules of the Supreme Court, or the Ordinances of the Municipality relating to the coordinating of the Pennsylvania Emergency Management Service Code.

5. This Ordinance, the Agreement and the Bylaws adopted herewith shall constitute a binding agreement and shall be sufficient warrant and authority for the officials and agents as appointed by the Municipality to cooperate and assist the Seneca Area Emergency Management Agency, Inc., in carrying out its duties and responsibilities under the Intergovernmental Cooperation Agreement and Bylaws.

6. The Emergency Management Officers coming under the terms of the Agreement shall be at all times under the immediate supervision, direction, and control of the Board of Directors of the Seneca Area Emergency Management Agency, Inc. Questions, comments or complaints concerning the provision of services in Municipality pursuant to this Ordinance and Agreement shall be presented in writing to the Board of Directors.

7. The Seneca Area Emergency Management Agency, Inc., shall retain all fees as otherwise provided for in the Fee Resolution.

8. The term of this Agreement shall commence upon adoption of this Ordinance and extend for a period of one (1) year and continue thereafter on a year-to-year basis unless terminated by action of the governing body of the Municipality as provided for in the Intergovernmental Agreement.

9. The qualified Emergency Management Official(s) hired, appointed or contracted by the Board of Directors is/are hereby authorized to act on behalf of the Municipality in coordinating the Pennsylvania Emergency Management Services Code related to any and all provisions of the Ordinances and Resolutions of Municipality relating to the Pennsylvania Emergency Management Services Code.

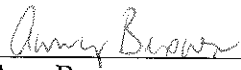
10. This Ordinance is intended to be severable and if any part or portion thereof is ruled invalid or unenforceable, it is the intention of the Municipality that the remaining portions should continue to be of full force and effect.

IN WITNESS OF THE PROPER ADOPTION OF THIS ORDINANCE AND APPROVAL OF THE INTERGOVERNMENTAL EMERGENCY COOPERATION AGREEMENT SET FORTH HEREIN, the duly appointed officers of the governing bodies of the respective municipalities have hereunto set forth their hands and seals.

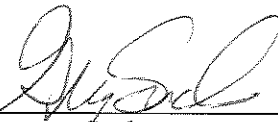
Approved by the Borough of Harmony on the 3rd day of June, 2020.

Borough of Harmony

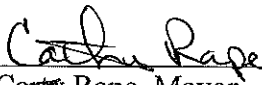
ATTEST:



Amy Brown
Borough Secretary



Gregory Such
Council President



~~Cathy~~ Rape, Mayor
Cathy