

Township **OF** Montgomery,  
Indiana **COUNTY, PENNSYLVANIA**

**ORDINANCE #32**  
**for**  
**INTERGOVERNMENTAL EMERGENCY COOPERATION**

**AN ORDINANCE AUTHORIZING PARTICIPATION IN THE INTER-MUNICIPAL EMERGENCY MANAGEMENT PROGRAM OF THE NORTH EASTERN INDIANA COUNTY EMERGENCY COOPERATION AGENCY, 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 by the Township of Montgomery, (hereinafter "Municipality") and effective five (5) days thereafter.

**WITNESSETH:**

**WHEREAS**, the Township of Montgomery ("Municipality") is a municipality located within Indiana County, Pennsylvania; and

**WHEREAS**, the Municipality recognizes that the growth and development in Indiana 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; and

**WHEREAS**, the Municipality has agreed to join with **NORTH EASTERN INDIANA COUNTY EMERGENCY COOPERATION AGENCY**, which shall be referred to as "NEICECA" the 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 and participate in an emergency management program to serve Municipalities throughout Indiana County.

**NOW, THEREFORE**, IT IS HEREBY ORDAINED AND ENACTED that 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 Township of Montgomery and any and all other Municipalities located within the geographic boundaries of Indiana County as follows:

**WHEREAS**, the Municipalities recognize that the employment, appointment or contracted of separate Emergency Management 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 an Inter-municipal Emergency Cooperation Program to serve the all of 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 Program.**

The Municipality and the several other participating Municipalities shall jointly establish a program for the management of the Pennsylvania Emergency Management Services Code which shall include the enactment of an authorizing



Ordinance and the sharing of the services of an Emergency Management Officer(s) in accordance with the provisions of this Agreement. Such program shall be known as the "NEICECA", and shall be administered in accordance with the provisions of this Agreement.

**2. Establishment of Program Committee.** The "NEICECA" Program shall be administered by the Program Committee.

- A. Membership. The Program Committee shall be composed of one (1) member of the governing body of each participating Municipality, appointed for a one (1) year term by the governing body at its first meeting in January of each calendar year. The initial members of the Program Committee shall be appointed by the governing bodies within thirty (30) days from the execution of this Agreement. Each governing body may, if it so desires, appoint an alternate member to the Program Committee. Each governing body shall be entitled to only one vote.
- B. Meetings. The Program Committee shall meet at times to be selected by the members of the Program Committee.
- C. Voting. All actions by the Program Committee shall be taken by a majority of the members of the Program Committee. In the event that there is a tie vote upon a particular item, any Municipality may request that the issue be mediated.

**4. 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** and this Agreement in accordance with the requirements of the Intergovernmental Cooperation Act.
- B. Adopting or amending the Municipality's existing fee resolution(s) providing for fees to be imposed for management/coordination of "NEICECA".
- C. Provide adequate insurance coverage for all aspects of the

Program to include errors and omissions insurance and general liability insurance for actions of the Emergency Management Official(s) and the Program Committee.

- 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 Emergency Management Official(s).

5. **Responsibility of Program Committee.** The following activities are the responsibility of the Program Committee:

- A. Recruitment and hiring, appointing or contracting for services of one or more Emergency Official(s).
- B. Establishment of the salary and benefit package for the Emergency Official(s).
- C. Evaluation of the performance of the Emergency Official(s) within the first six (6) months and annually thereafter.
- D. Resolution of any problems or concerns between the Municipalities and the formulation of policy-oriented decisions.

6. **Emergency Management Official(s).** Emergency Management Official(s) shall be hired, appointed or contracted, as needed, in the sole discretion of the Program Committee, in order to implement the Pennsylvania Emergency Management Services Code Program.

7. **Program Cost Sharing.** Each Municipality shall participate in their share of the costs of administering the "NEICECA" Program according to the fee schedule attached hereto and as may be revised by the Program Committee from time to time. No activities generating costs to a Municipality shall be initiated without authorization of the Municipality.

Grants. With the help of the program committee 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 Program Committee 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) years 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 Program Committee, in writing.

9. **Participation of Other Municipalities.** Additional Municipalities may become a party to this Agreement upon the consent of the Program Committee at the time such a request is made. A Municipality which desires to become a party to this Agreement shall make application to the Program Committee and shall in writing agree to accept all terms and conditions of this Agreement. 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 Program Committee 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 Program Committee 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 have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not 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.

Township **OF** Montgomery

ATTEST:

Christine L Payne  
Secretary

(Seal)

By: John O Pittman  
Supervisor

Jack F. Hazlett  
Supervisor

Franklin Payne  
Supervisor





## EXHIBIT "A"

### INTERMUNICIPAL **EMERGENCY COOPERATION** AGREEMENT

THIS AGREEMENT made this 4<sup>th</sup> day of January, <sup>2010</sup>~~2009~~, by and between the Township of Montgomery, a municipal corporation organized under the laws of Pennsylvania with its municipal offices located in the County of Indiana, Commonwealth of Pennsylvania, and various other local participating Boroughs and Townships within the Commonwealth, for a purpose.

#### WITNESSETH:

**WHEREAS**, the Township of Montgomery and several other participating communities (the "other Municipalities") are Municipalities located within either the County of Indiana, Pennsylvania; and

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

**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 a would be best undertaken through the employment/appointment or contract **of one or more** a trained professional Emergency Management Official(s); and

1. The Municipality hereby adopts this ordinance authorizing intergovernmental cooperation under the "NEICECA" program, as applicable according to its terms to all structures and property within the geographic limits of the Municipality.

2. The Municipality hereby establishes "NEICECA" 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 obligations and responsibilities under the Pennsylvania Emergency Management Services Code and all Ordinances and Resolutions implementing the same, within the geographic limits of the Municipality.

3. The Municipality hereby enters the Intergovernmental Emergency Cooperation Agreement, as attached hereto as Exhibit "A" and authorizes its officers to execute the same.

4. The "NEICECA" 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 are provided within the geographic limits of other member municipalities. "NEICECA" 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 and the Agreement 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 "NEICECA" in carrying out its duties and responsibilities under the Intergovernmental Cooperation Agreement.

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 Program Committee of the "NEICECA". Questions, comments or complaints concerning the provision of services in Municipality pursuant to this Ordinance and Agreement shall be presented in writing to the Program Committee of the "NEICECA". Any comments so received shall be answered in writing within five (5) days of the next regularly scheduled meeting of the Program Committee of the "NEICECA".

7. The Program Committee of the "NEICECA" shall provide a written report to the governing body of the Municipality, prior to their respective regular monthly meetings, of the services rendered to and in the Municipality for the previous month.



Said report shall include an accounting including, but not limited to, the following: emergency incidents, complaints received, actions taken, and any other matters which the Program Committee believes to be appropriate for report.

8. The Inter-municipal "NEICECA" shall retain all fees as otherwise provided for in the Fee Resolution.

9. 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.

10. The qualified Emergency Management Official(s) hired, appointed or contracted by the Program Committee of the Inter-municipal Emergency Cooperation Agency 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.

12. 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.

**Ordained and Enacted** by the Township of Montgomery as Ordinance No. 31 on the 4th day of January, 2009. 2010

ATTEST:

Christine X Payne  
Secretary

(Seal)

Township OF Montgomery

By: John J. Bether  
Supervisor

Paul F. Hazlett  
Supervisor

Franklin Payne  
Supervisor

