

BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-1 561

AN ORDINANCE AUTHORIZING THE BOROUGH COUNCIL OF THE BOROUGH OF PARKESBURG ("PARKESBURG") TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGH OF ATGLEN ("ATGLEN") SETTING FORTH THE TERMS AND CONDITIONS FOR THE PROVISION OF POLICE SERVICES AND COVERAGE BY PARKESBURG'S POLICE DEPARTMENT IN ATGLEN

BE IT ENACTED AND ORDAINED by the Borough Council in and for the Borough of Parkesburg, Chester County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as the "Police Services Intergovernmental Cooperation Agreement Ordinance of the Borough of Parkesburg, Chester County, Pennsylvania to provide Police Services to the Borough of Atglen, Chester County, Pennsylvania."

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Borough Council of the Borough of Parkesburg ("Borough Council") in enacting it are as follows:

- (a) The Borough of Parkesburg (the "Borough of Parkesburg" or "Parkesburg") is a Pennsylvania Borough, organized under the laws of the Commonwealth of Pennsylvania.
- (b) The Borough of Atglen (the "Borough of Atglen" or "Atglen") is a Pennsylvania Borough, organized under the laws of the Commonwealth of Pennsylvania.
- (c) The General Assembly of the Commonwealth of Pennsylvania has authorized intergovernmental cooperation in the performance of governmental functions and powers by the Act of December 19, 1996, P.L. 1158, No. 177 §2301, as amended (the "Intergovernmental Cooperation Act").
- (d) The Intergovernmental Cooperation Act authorizes two or more local governments in the Commonwealth to jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities, upon passage of an ordinance by the governing body of each cooperating municipality.
- (e) The Borough Council has determined that it is in the best interest of the Borough of Parkesburg to jointly cooperate with the Borough of Atglen to provide for police coverage and police services to Atglen to be performed by the Parkesburg Police Department, to preserve and protect the public safety and welfare of the residents of Atglen, and to set forth the terms and

provisions under which the Parkesburg Police Department services will be performed to the benefit of the Borough of Atglen.

SECTION 3: INTERGOVERNMENTAL COOPERATION AGREEMENT

The conditions of the agreement with Atglen are set forth in an intergovernmental cooperation agreement entitled "An Agreement between Parkesburg Borough, Chester County, Pennsylvania and Atglen Borough, Chester County, Pennsylvania for the Providing of Police Services" (the "Agreement") attached hereto as Exhibit "A" and hereby incorporated herein by reference as though fully set forth at length. Borough Council authorizes entering into the Agreement, substantially in the form set forth in Exhibit "A", subject only to such changes as the Borough Solicitor may recommend and the President or Vice President of Borough Council may approve, such approval to be conclusively evidenced by execution thereof, and further authorizes such amendments thereto and such other and further agreements as Borough Council shall determine in the future are necessary or useful in achieving the purposes served by this Ordinance.

SECTION 4: DURATION OF AGREEMENT

The duration of the Agreement is for an initial term, commencing upon execution of the Agreement, with services being provided beginning at 12:01 a.m. on March 1, 2024, through December 31, 2024, with automatic renewals year to year, unless terminated or amended as provided therein.

SECTION 5: PURPOSE AND OBJECTIVES OF THE AGREEMENT

The purpose of the Agreement is to set forth the terms and conditions upon which the Borough of Atglen and the Borough of Parkesburg agree that police services will be provided to Atglen by the Parkesburg Police Department.

SECTION 6: MANNER AND EXTENT OF FINANCING

Under the Agreement, Parkesburg, through its Police Department, will provide police services/coverage to Atglen; Atglen will make monthly payments for services to Parkesburg, pursuant to a payment for services arrangement fully set forth in the Agreement.

SECTION 7: ORGANIZATIONAL STRUCTURE

The organizational structure of Parkesburg and Atglen will be unchanged by the intergovernmental cooperation. Parkesburg will provide police services to Atglen; Atglen will pay Parkesburg for its services.

SECTION 8: REAL AND PERSONAL PROPERTY

The Agreement presents no change to real and personal property ownership as between Parkesburg and Atglen. Parkesburg will supply all equipment needed for the Parkesburg Police

Department to provide services to Atglen; the cost for same is included within the agreed upon rate that Atglen will pay for police services and coverage.

SECTION 9: CONTRACTS FOR AND PROVISION OF EMPLOYMENT BENEFITS

All members of the Parkesburg Police Department providing services to Atglen will at all times be employees of the Borough of Parkesburg; Parkesburg will provide such employees employment benefits.

SECTION 10: INCONSISTENCIES

To the extent that any provision of this ordinance is determined to be inconsistent with a condition, term or provision of the Agreement, the condition, term or provision of the Agreement will prevail.

SECTION 11: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 12: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

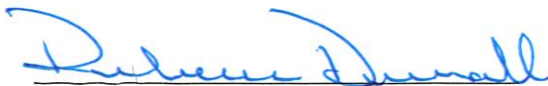
SECTION 13: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

ENACTED and ORDAINED this 18th day of January, 2024.

BOROUGH COUNCIL OF THE
BOROUGH OF PARKESBURG

ATTEST:


Rebecca Durnall, Secretary


Todd Brade, President

Approved this 18th day of January, 2024.


John P. Hagan, II, Mayor