

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 -01

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL
COOPERATION AGREEMENT BETWEEN THE COUNTY OF
CUMBERLAND AND MIDDLESEX TOWNSHIP RESPECTING
THE GRANT OF FUNDS FOR THE IMPLEMENTATION OF THE
800 MHZ COMMUNICATIONS SYSTEM IN CUMBERLAND
COUNTY

WHEREAS, Middlesex Township, a Second Class township and the County of Cumberland, a county of the Fourth Class, are local governments that may jointly cooperate in the exercise or performance of their respective governmental functions, powers and responsibilities under applicable law (Act of December 19, 1996, P.L. 1158, No. 177; 53 Pa.C.S.A. 2301, et seq.); and

WHEREAS, the County of Cumberland ("Cumberland") has undertaken the development, installation and operation of a police, fire and public safety 800 MHZ communication system (the "800 MHZ System"); and

WHEREAS, Cumberland has agreed to make available to Middlesex Township and other municipalities in Cumberland County, Pennsylvania a portion of the costs necessary to implement the 800 MHZ System subject to certain terms and conditions; and

WHEREAS, Middlesex Township believes it is in the best interest of the citizens of said Township to agree to the terms and conditions proposed by Cumberland with respect to the grant of funds necessary for Middlesex Township to have certain police and fire equipment compatible with the 800 MHZ System being developed by Cumberland;

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors of Middlesex as follows:

SECTION 1: PREAMBLE AND POLICY.

The foregoing paragraphs or preamble is incorporated herein as the background and policy of this Ordinance.

SECTION 2: AUTHORIZATION TO ENTER INTO AGREEMENT.

The Chairman of the Board of Supervisors of Middlesex Township is hereby authorized to enter into and execute the Master Intergovernmental Cooperation Agreement and/or Agreement To Join with the County of Cumberland in the form attached hereto as "Exhibit A".

SECTION 3: DISCLOSURES REQUIRED BY 53 Pa.C.S.A. § 2307.

The Master Intergovernmental Cooperation Agreement and Agreement To Join (hereinafter collectively "the Agreement") acknowledges that it is in the best interest of the citizens of Cumberland County to implement an 800 MHZ System. The Agreement provides that Cumberland shall make available to Middlesex Township funds to be used toward the implementation of the 800 MHZ System by the purchase of certain Baseline Equipment compatible with the proposed 800 MHZ System. The Agreement further provides for the time for ordering equipment with notice to Cumberland for purposes of receiving prior approval for the use of the grant money for the purchase or lease of equipment. The term of the Agreement shall terminate two years from the date Cumberland passes its ordinance. Middlesex Township shall become the owner of any baseline equipment acquired by grant funds. The Agreement further provides that Cumberland shall be indemnified and held harmless by Middlesex Township from liability arising from the Agreement and the grant.

SECTION 4: SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions had not been included in this Ordinance.

SECTION 5: EFFECTIVE DATE.

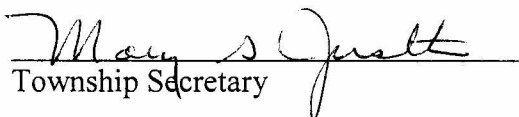
This Ordinance shall take effect in accordance with existing law. The Agreement shall be effective on or after the effective date of this Ordinance and upon occurrence of proper

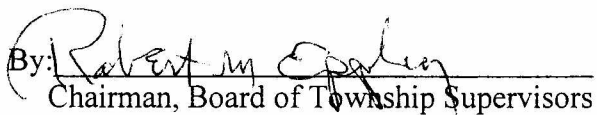
enactment of an ordinance authorizing the Agreement by Cumberland and the execution of the Agreement by Middlesex Township.

DULY ENACTED AND ORDAINED this 26th day of January, 2001 by the said Board of Township Supervisors in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MIDDLESEX


Township Secretary

By: 
Chairman, Board of Township Supervisors

(SEAL)