

2005-03

**** Repealed by Ordinance 2006-02 ****

ORDINANCE NO. 03 OF 2005

AN ORDINANCE OF THE TOWNSHIP OF HAMILTONBAN, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING THE ENTRY INTO AN INTERMUNICIPAL AGREEMENT FOR THE PROVISION OF EMERGENCY MANAGEMENT SERVICES, AND DIRECTING OFFICERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWNSHIP.

The Board of Supervisors of Hamiltonban Township hereby ordains as follows:

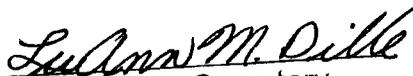
Section 1. The Board of Supervisors hereby authorizes the joinder of Hamiltonban Township, Adams County, Pennsylvania, with Carroll Valley Borough, Fairfield Borough and Liberty Township, in the Intermunicipal Agreement Creating the Fairfield Regional Emergency Management Agency. A copy of the said Agreement is appended to this Ordinance and made a part hereof.

Section 2. The Chairman and the Secretary are hereby authorized and directed to execute counter part originals of the said Agreement in the name of Hamiltonban Township.

DULY ENACTED AND ORDAINED this 4 of October,
2005.

ATTEST:

BOARD OF SUPERVISORS OF
HAMILTONBAN TOWNSHIP


LuAnn Dille, Secretary

BY: 
Stephen W. Jacobs, Chairman

2005-03

**INTERMUNICIPAL AGREEMENT CREATING THE FAIRFIELD
REGIONAL EMERGENCY MANAGEMENT AGENCY**

THIS AGREEMENT, is made this 1st day of November 2005, by and between **CARROLL VALLEY BOROUGH**, a duly organized and existing political subdivision, located at 5685 Fairfield Road, Carroll Valley, Adams County, Pennsylvania 17320, party of the first part, (hereinafter referred to as "**Carroll Valley**"), and **FAIRFIELD BOROUGH**, a duly organized and existing political subdivision, located at 108 West Main Street, Fairfield, PA , party of the second part, (hereinafter referred to as "**Fairfield**"), and **LIBERTY TOWNSHIP**, a duly organized and existing political subdivision, located at 39 Topper Road, Fairfield, PA, party of the third part, (hereinafter referred to as "**Liberty**"), and **HAMILTONBAN TOWNSHIP**, a duly organized and existing political subdivision, located at 23 Carroll's Tract Road, Fairfield, PA, party of the fourth part, (hereinafter referred to as "**Hamiltonban**"), all of which are collectively referred to as "**Participating Municipalities**".

WHEREAS, pursuant to 35 Pa. C.S.A. §7501, et seq, as amended, (hereinafter the "**Act**"), the participating municipalities are required to establish local Emergency Management Organizations which shall be responsible for emergency management, response, and recovery within the territorial limits of each of the respective participating municipalities, all as more specifically set forth in the Act;

WHEREAS, the powers and duties of political subdivisions are set forth at 35 Pa. C.S.A. §7503, which section also provides that each political subdivision can adopt

an Intergovernmental Cooperation Agreement with other political subdivisions to carry out the powers and duties afforded to it and required of it pursuant to the Act;

WHEREAS, the participating municipalities desire to enter into an Intermunicipal Agreement to cooperate with each other to exercise the powers and satisfy the duties as set forth at 35 Pa. C.S.A. §7503 and to carry out all requirements imposed upon each participating municipality, and to do all things necessary by each participating municipality to fulfill their obligations pursuant to the Act;

WHEREAS, 35 Pa. C.S.A. §7513 requires an agreement among political subdivisions to designate one of the political subdivisions as the agent of each of them for the purpose of paying the expenses of the local organization and requires that any such agreement set forth the proportionate share of the expenses of the organization to be paid by each political subdivision party to the agreement, as well as an estimate of the amount required to be appropriated by each of them on an annual basis for the purpose of paying the expenses;

WHEREAS, the participating municipalities desire to set forth the mechanics of how the Fairfield Regional Emergency Management Agency will work and what their respective duties, responsibilities and powers are and will be; and the undersigned members agree to participate in the Fairfield Regional Emergency Management Agency and desire to be bound by the terms of this Intermunicipal Agreement creating said Fairfield Regional Emergency Management Agency.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto, intending to be legally bound hereby, agree as follows:

**ARTICLE I - ESTABLISHMENT OF
FAIRFIELD REGIONAL EMERGENCY MANAGEMENT AGENCY**

1. There is hereby established and maintained the "Fairfield Regional Emergency Management Agency" (hereinafter the "Fairfield Regional EMA" or "EMA").

This Agency shall exercise all powers and fulfill all duties of each participating municipality as set forth in 35 Pa. C.S.A. §7503, as amended from time to time.

2. The Fairfield Regional EMA shall, on behalf of the participating municipalities:

a. Prepare, maintain and keep current a disaster emergency management plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan.

b. Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.

c. Provide individual and organizational training programs to insure prompt, efficient and effective disaster emergency services.

d. Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.

e. Adopt and implement precautionary measures to mitigate the anticipated effects of disaster.

- f. Execute and enforce such rules and orders as the agency shall adopt and promulgate under the authority of this part.
- g. Cooperate and coordinate with any public and private agency or entity in achieving any purpose of this part.
- h. Have available for inspection at its emergency operations center all emergency management plans, rules and orders of the Governor and the agency.
- i. Provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth and local officials and agencies and the general public.
- j. Participate in all tests, drills and exercises, including remedial drills and exercises, scheduled by the agency or by the Federal Government.
- k. Participate in the program of integrated flood warning systems under Section 7313(6) (relating to powers and duties).

ARTICLE II - JURISDICTION

The jurisdiction of the Fairfield Regional EMA shall be the entire combined area of all municipalities participating in this Agreement. It shall be the role of the Executive Committee and any coordinator hired pursuant to 35 Pa. C.S.A §7501 *et seq.*, to coordinate the exercise of the powers and the performance of the duties as set forth in 35 Pa. C.S.A. §7503, as amended from time to time, on behalf of all participating municipalities. The idea is to have one comprehensive agency exercising the powers and performing the duties required by the Act on behalf of all the participating municipalities.

ARTICLE III - EXECUTIVE COMMITTEE

1. The Fairfield Regional EMA shall be governed by an Executive Committee which shall be comprised of one elected member from each participating municipality's governing body. The Executive Committee shall govern the Fairfield Regional EMA according to the Committee's sole discretion, subject to the limitations of this Agreement and those imposed by law.
2. Each representative on the Executive Committee shall be entitled to one vote.

3. An annual meeting of the Executive Committee will be held prior to the beginning of each calendar year, at such time and on such date as determined by the majority of representatives to the Executive Committee. Notice of the date, time and location of the annual meeting must be given to each participating municipality at least two weeks in advance thereof.

4. Additional meetings of the Executive Committee may be called upon the agreement of any two representatives to the Executive Committee. Notice of any additional meetings must be given to every member at least one week in advance thereof.

5. Any member of the Executive Committee may call an emergency meeting at any time. Notice of the emergency meeting must be given to all members at least Twenty-Four (24) hours in advance, and the notice must state the specific and emergency nature of the business to be conducted or transacted at such meeting.

6. The Executive Committee shall have all expressed and implied powers as may be necessary to carry out the purposes of this Agreement, and the requirements of the Act.

7. **Quorum.** The Executive Committee shall be authorized to act whenever a quorum of its Member municipalities is represented at the meeting where action is to occur. A quorum will be reached when Fifty percent (50%) of all the representatives are present at a meeting of the Executive Committee. Provided, however, that when a quorum is present, the majority vote of those representatives present shall be sufficient to bind the Executive Committee.

**ARTICLE IV – BUDGETING, ASSIGNMENT OF COSTS
AND DESIGNATION OF AGENT**

1. Hamiltonban Township is hereby designated as the administrative municipality and the agent for each participating municipality for the purposes of paying the expenses of the Fairfield Regional EMA. Hamiltonban Township will take responsibility for payroll and accounting for the Fairfield Regional EMA. It will also be responsible for billing for materials used in any particular incident according to this Agreement or any requirement imposed by 35 Pa. C.S.A. §7501 *et seq.* Hamiltonban Township will be reimbursed for the actual time spent by its staff in completing the administrative duties for the Fairfield Regional EMA. The reimbursement shall be made at the hourly pay rate of the employee actually completing the work, which is assumed to be the Hamiltonban Township Secretary.

2. All bills and claims for expenses incurred by or for the Fairfield Regional EMA shall be paid by, accounted for, and reimbursed to Hamiltonban Township in accordance with 35 Pa. C.S.A §7515, as amended from time to time.

3. Each participating municipality will initially appropriate and budget the sum of no less than Five Hundred Dollars (\$500.00) to cover its share of Fairfield Regional EMA's general operating expenses. The amount to be appropriated from year to year shall be set by the Executive Committee. It is agreed by the participating municipalities that the sum of \$500 annually is the estimated amount of each municipality's proportionate share of the common expenses of the Fairfield Regional EMA. The amount to be apportioned from year to year shall be determined by the Executive Committee. All customary and routine administrative costs for operating the Fairfield Regional EMA shall be divided equally between the participating municipalities. These routine administrative costs include training, administrative time of Fairfield Regional EMA personnel, and administrative costs and overhead.

4. All costs relating to a call out by the Fairfield Regional EMA shall be charged to the individual participating municipality in which the call out occurred. If an EMA incident affects more than one participating municipality, the costs associated with any such call out shall be divided equally among all municipalities involved in the call out. These costs shall be in addition to the amount paid by each participating municipality toward the common operating expenses appropriated by and paid by each participating municipality.

5. The parties hereto agree that any costs incurred for stockpiling of supplies and response materials which the Fairfield Regional EMA must necessarily to maintain or accumulate will be divided equally between the participating municipalities on a per capita basis.

6. The Fairfield Regional EMA will rent office space from Hamiltonban Township, which space shall be located in the Hamiltonban Township Municipal Building. The Fairfield Regional EMA shall compensate Hamiltonban Township the sum of Three Hundred Fifty Dollars (\$350.00) per year for the use of the office space.

7. A participating municipality will only be responsible for its share of the costs as set forth herein and in no event shall a participating municipality be responsible for fees incurred by another participating municipality when the Fairfield Regional EMA responds to the call out affecting one or more of the other participating municipalities.

ARTICLE V – REPORTING

The Fairfield Regional EMA Executive Committee shall submit regular reports of all Fairfield Regional EMA activities and the financial status of the Fairfield Regional EMA to each of the participating municipalities in a manner to be determined by the Executive Committee, but no less than quarterly.

ARTICLE VI – APPOINTMENT OF FAIRFIELD REGIONAL EMA COORDINATOR

1. The Executive Committee of the Fairfield Regional EMA shall draft and maintain a job description and procedures for the selection by it of a Coordinator for the Fairfield Regional EMA. In accordance with 35 Pa. C.S.A. §7502(c), the Executive Committee of the Fairfield Regional EMA shall recommend to the Governor of the Commonwealth of Pennsylvania a person to fill the role as Coordinator of the Fairfield Regional EMA.

2. The candidate for Coordinator of the Fairfield Regional EMA shall, at a minimum, meet the qualifications set forth at 35 Pa. C.S.A. §7502(d) and must complete the in-service training as required by 35 Pa. C.S.A. §7502(e).

3. As needed from time to time, the Executive Committee may appoint a deputy coordinator and as many assistant coordinators which it feels are necessary. All such appointments will be in accordance with applicable law. Any such deputy or assistant coordinators must also meet the minimum qualifications of 35 Pa. C.S.A. §7502(d) and must complete the in-service training as required by 35 Pa. C.S.A. §7502(e).

ARTICLE VII – COMPLIANCE WITH APPLICABLE STATUTES, EXECUTIVE ORDERS AND CODES

Should any provision of this Agreement or any action of the Executive Committee of the Fairfield Regional EMA be deemed invalid or determined to be invalid by any authoritative body, or should the Act or any Code provisions promulgated thereunder be amended or should any Executive Orders alter or modify the Act so as to affect the terms of this Agreement, by necessity, and in order to ensure the further operation of the Fairfield Regional EMA, the parties agree that this Agreement may be amended so as to provide for its effective continuance according to its general purposes. The participating municipalities shall not hinder or interfere with the Fairfield Regional EMA's authority to exercise the powers and perform the duties required by it by the Act and this Agreement.

ARTICLE VIII - LIMITED LIABILITY

1. The Fairfield Regional EMA shall be an agency of the four (4) participating municipalities for purposes of governmental immunity. It is intended that the governmental immunity enjoyed by the participating municipalities shall apply to the activities and functions of the Fairfield Regional EMA. In the event a court of competent jurisdiction finds governmental immunity does not apply to the activities of the Fairfield Regional EMA then, subject to Article VIII, Paragraph 2., the participating municipalities agree that any claims against the Fairfield Regional EMA, or any of its members or employees, shall be handled in accordance with the respective municipalities' liability insurance policies.

2. A participating municipality shall not have any responsibility or liability for the actions of the Fairfield Regional EMA concerning call outs originating at or affecting only other participating municipalities nor will its participating municipality have any responsibility for acts of other participating municipalities.

ARTICLE IX - COMPLIANCE WITH THE ACT

Notwithstanding any of the foregoing, the participating municipalities and the Fairfield Regional EMA and its Executive Committee shall, at all times, comply with the requirements of 35 Pa. C.S.A §7501 et seq. (as amended), and anything herein deemed to be inconsistent with or in conflict with the provisions of 35 Pa. C.S.A. §7501 et seq., as amended, (the "Act") shall be null and void and the Act, as amended, shall control.

ARTICLE X - EFFECTIVE DATE

Upon its execution, after authorization granted pursuant to appropriately-adopted Ordinances by each participating municipality, this Agreement shall be binding upon and inure to the benefit of all undersigned members.

2005-03

IN WITNESS WHEREOF, the participating municipalities have duly executed and delivered the present Agreement the day and year first above written.

ATTEST:

Barbara M. Hertz
Secretary
[SEAL]

BOROUGH OF CARROLL VALLEY

By: Laura Scudder
[Name: Laura Scudder, President]

ATTEST:

Brenda K. Perry
Secretary
[SEAL]

FAIRFIELD BOROUGH

By: Patricia Smith
[Name: Patricia Smith, President]

ATTEST:

Luanne M. Dille
Secretary
[SEAL]

HAMILTONBAN TOWNSHIP

By: Stephen M. Jacobs
[Name: Stephen Jacobs, Chairman]

ATTEST:

Paul Harner
Secretary
[SEAL]

LIBERTY TOWNSHIP

By: Paul Harner
[Name: Paul Harner, Chairman]