



Allegheny County Council

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Legislation Details (With Text)

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Title: An Ordinance of the County of Allegheny authorizing the County to enter into an intergovernmental cooperation agreement with Wilmerding Borough under which the County will provide basic police and law enforcement services to the Borough.
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7/7/2016	1	Chief Executive	Signed by Chief Executive	
7/5/2016	1	County Council		
6/29/2016	1	Committee on Public Safety	Affirmatively Recommended	Pass
6/21/2016	1	County Council		

An Ordinance of the County of Allegheny authorizing the County to enter into an intergovernmental cooperation agreement with Wilmerding Borough under which the County will provide basic police and law enforcement services to the Borough.

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa. C.S.A. § 2301 *et seq* (2009), (hereinafter “the Act,”) generally provides that two or more municipalities may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities; and

WHEREAS, the County of Allegheny (hereinafter “the County”) has entered into discussions with Wilmerding Borough (hereinafter “the Borough”) regarding an intergovernmental cooperation agreement under which the County would undertake and provide basic police and law enforcement services through the Allegheny County Police Department to the Borough; and

WHEREAS, Section 2305 of the Act provides that a local government may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its legislative governing body; and

WHEREAS, County Council finds that an intergovernmental cooperation agreement between the County and the Borough under which the County would undertake and provide basic police and law enforcement services through the Allegheny County Police Department to the Borough in exchange for an annual payment by the Borough to the County will promote the health, safety and welfare of the citizens of the County.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. **Incorporation of the Preamble.**

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. **Authorization to Enter Intergovernmental Cooperation Agreement with Wilmerding Borough**

A. The County, through its Manager, is hereby authorized to enter into an intergovernmental cooperation agreement with the Borough under which the County will undertake and provide basic police and law enforcement services through the Allegheny County Police in the Borough (hereinafter “the Intergovernmental Cooperation Agreement”).

B. The Intergovernmental Cooperation Agreement shall be subject to final review and approval as to form by the County Solicitor.

SECTION 3. **Duration of Intergovernmental Cooperation Agreement**

The Intergovernmental Cooperation Agreement shall be for an initial term of five (5) years. The Intergovernmental Cooperation Agreement shall enter into effect beginning on January 1, 2017 and, unless terminated sooner by action of the parties in accordance with its terms set forth in the Intergovernmental Cooperation Agreement, shall expire on December 31, 2021; provided however, that the duration of the term of the Intergovernmental Cooperation Agreement may be extended beyond December 31, 2021 for an additional term not to exceed five (5) years upon mutual written agreement of the Borough and the County.

SECTION 4. **Purposes and Objectives of the Intergovernmental Cooperation Agreement**

A. The purpose and objective of the Intergovernmental Cooperation Agreement is to provide improved public safety and security to the residents of the Borough by retaining an experienced and well-trained police force to provide basic police and law enforcement services within the Borough.

B. To achieve this purpose and objective, the Borough will completely delegate its power and authority under the Borough Code to provide and operate a police force within the Borough to County for the term of the Intergovernmental Cooperation Agreement.

SECTION 5. **Structure and Financing**

A. On behalf of the County, the Allegheny County Police Department, under the overall supervision of its Superintendent or his/her authorized representative or delegate, shall be responsible for providing and performing the basic police and law enforcement services described in the Intergovernmental Cooperation Agreement in the Borough.

B. During the initial year of the term of the Intergovernmental Cooperation Agreement, the Borough shall pay the County for the basic police and law enforcement services provided to the Borough an amount not to exceed TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00). In each succeeding

year during the term of the Intergovernmental Cooperation Agreement, the Borough shall increase the amount that it pays the County for the provision of basic police and law enforcement services by three percent (3%) plus twenty-five percent (25%) of all fines payable to the Borough pursuant to the County's services.

SECTION 6. Real and Personal Property

A. The Borough agrees to provide office space on real property owned or controlled by the Borough, which shall meet the specifications of the County Police, in order to enable the County Police to establish a substation capable of housing a County Police impact squad.

B. All other real property and all personal property necessary to provide or perform the services contemplated by this Ordinance and by the Intergovernmental Cooperation Agreement shall be acquired, managed, licensed and disposed of in accordance with: a) the applicable laws, ordinances, regulations and procedures governing the operations of the respective governmental bodies; and b) the provisions of the Intergovernmental Cooperation Agreement between the parties.

SECTION 7. Conditions

All conditions pertaining to the cooperation of the respective governmental bodies in the matters contemplated by this Ordinance shall be set forth in the Intergovernmental Cooperation Agreement

SECTION 8. Effective Date

This Ordinance shall enter into effect immediately upon the approval of this Ordinance by the Chief Executive.

SECTION 9. Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 10. Repealer.

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.