

**BOARD OF SUPERVISORS
NEWLIN TOWNSHIP**

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017 -04

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTER-MUNICIPAL COOPERATION AGREEMENT WITH THE BOROUGH OF KENNETT SQUARE AND THE TOWNSHIPS OF KENNETT, EAST MARLBOROUGH, PENNSBURY AND POCOPSON, CHESTER COUNTY FOR THE PURPOSE OF FORMING, ESTABLISHING AND JOINING A COUNCIL OF GOVERNMENTS TO BE KNOWN AS THE KENNETT FIRE AND EMS REGIONAL COMMISSION.

UNDER AND BY VIRTUE OF THE AUTHORITY SET FORTH IN THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION ACT, 53 C.P.S. §2301 et. seq. (THE "ACT"), THE BOARD OF SUPERVISORS OF NEWLIN TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION 1. AUTHORIZATION

The Board of Supervisors of the Township does hereby approve and authorize entering into an inter-municipal cooperation agreement (together with all attachments thereto, the "Agreement"), a copy of which is attached hereto and incorporated herein by reference, with the intent and effect that the Township shall be bound by the Agreement.

SECTION 2. EXECUTION

The Chairman of the Board of Supervisors of the Township is hereby authorized and directed on behalf of the Township: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional documents and instruments, and to take such further actions, as may be necessary or appropriate to carry out the Agreement and the actions to be effected under the Agreement, including the payment of amount, as may be due from time to time from the Township under the Agreement.

SECTION 3. RATIFICATION

All actions of any officer, agent or other representative of the Township heretofore taken pursuant to the establishment of the Kennett Fire and EMS Regional Commission (the "Commission") and/or the Township's participation therein are hereby ratified and approved in all respects.

SECTION 4. NECESSARY ACTS

The Township is hereby authorized to take such actions as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

SECTION 5. PENNSYLVANIA INTERGOVERNMENTAL COOPERATION ACT

This Ordinance is adopted pursuant to the authority granted in the Act and, as required thereby, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are as set forth in the Agreement;
- (b) The duration of the Agreement is as set forth in the Agreement;
- (c) The purpose and objectives of the Agreement and the powers and scope of authority delegated in the Agreement are as set forth in this Ordinance and in the Agreement.
- (d) The manner and extent of financing the Agreement is through the municipal contributions set forth in Section 6 of the Agreement.
- (e) The organizational structure of the Commission shall be as set forth in its Articles of Incorporation and Bylaws (as the same may be amended from time to time in accordance therewith, the "Bylaws"), each as attached to the Agreement.
- (f) All property, real or personal, of the Commission shall be acquired, managed, licensed, or disposed of under the authority and supervision of the commissioners in accordance with the terms of the Agreement and the Bylaws.
- (g) The Commission is empowered to enter into contracts for insurance, including policies of group insurance and employee benefits for its employees pursuant to the Agreement.

SECTION 6. EXISTENCE AND OPERATION OF THE COMMISSION

The Commission shall come into existence and is authorized to commence operations under this Ordinance and in accordance with the Agreement immediately upon (i) at least four (4) municipalities duly executing and delivering the Agreement and (ii) the filing of the Articles of Incorporation of the Commission substantially in the form attached to the Agreement.

SECTION 7. IMMUNITIES

The services rendered, the actions taken, and the obligations and expenditures made by the officials, employees and agents of the Commission shall be deemed to be for public and governmental purposes, and all immunities from liabilities enjoyed by the

Township and its officials and employees within its boundaries shall extend to the Township and the Commission and their respective officials and employees in connection with their participation in the services and activities contemplated by, related to, arising out of, or in connection with the Agreement outside the Township's boundaries within the Commission's jurisdiction.

SECTION 8. REPEALER OF ORDINANCES

Any ordinance or part of ordinances of the Township conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 9. SEVERABILITY

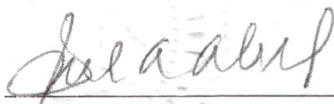
If any provision of this Ordinance is, for any reason declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole or the remaining portions thereof. The Board of Supervisors of the Township hereby declares that it would have adopted this Ordinance irrespective of the portion that may be declared illegal, unconstitutional or invalid.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the date of enactment.


ENACTED AND ORDAINED this 10th day of July, 2017 by the Board of Supervisors of Newlin Township, Chester County, Pennsylvania.

ATTEST:

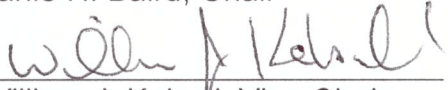


Gail A. Abel, Secretary

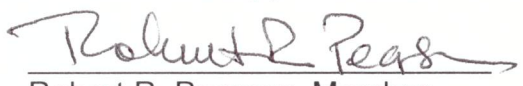
**NEWLIN TOWNSHIP
BOARD OF SUPERVISORS**



Jane H. Baird, Chair



William J. Kelsall, Vice-Chair



Robert R. Pearson, Member