

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 540

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA,
WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA,
AUTHORIZING THE COUNCIL OF THE BOROUGH OF CALIFORNIA TO
ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE BOROUGH
OF LONG BRANCH FOR THE PURPOSES OF POLICE PROTECTION UNDER
THE AUTHORITY OF THE INTERGOVERNMENTAL COOPERATION ACT;
REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF
INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Borough of California and the Borough of Long Branch previously negotiated an agreement for the Borough of California to provide police services to the Borough of Long Branch pursuant to the terms and conditions of a Police Service Agreement for 2013; and

WHEREAS, Borough Council of the Borough of California adopted Ordinance No. 536 on February 14, 2013 to authorize/ratify Council's entering into the Police Service Agreement for 2013; and

WHEREAS, the Borough of California and the Borough of Long Branch operated under the Police Service Agreement for 2013 and both parties found said Agreement to be mutually beneficial; and

WHEREAS, the Borough of California and the Borough of Long Branch have negotiated a successor Police Service Agreement for the years of 2014, 2015, and 2016. Said Police Service Agreement is attached to this instant Ordinance; and

WHEREAS, the Borough Council of California believes that entering into the proposed, successor Police Service Agreement is in the best interest of its residents and is passing this instant Ordinance to authorize Council to enter into said, attached agreement so as to be in accordance with the Intergovernmental Cooperation Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of California, County of Washington, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

SECTION 1. LEGISLATIVE INTENT.

The background of this Ordinance and the legislative intention of the Council of the Borough of California in enacting the aforesaid are as follows:

A. The Borough of California and the Borough of Long Branch are boroughs organized and existing under the Borough Code.

B. The General Assembly of the Commonwealth of Pennsylvania has provided for intergovernmental cooperation in the performance of governmental functions and powers pursuant to 53 Pa.C.S.A. § 2301, *et seq.*, and any amendments thereto, otherwise known as the Intergovernmental Cooperation Act.

C. Said Act authorizes two or more local governments in the Commonwealth of Pennsylvania to jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities, so long as both municipalities adopt an ordinance so providing.

D. California Borough Council determined that it is in the best interest of the Borough of California to enter into the agreement with the Borough of Long Branch to provide police services to the Borough of Long Branch as specifically detailed in the attached agreement.

E. By enacting this instant Ordinance, California Borough Council is ratifying entering into the attached agreement so as to be in accordance with the Intergovernmental Cooperation Act.

SECTION 2. INTERMUNICIPAL AGREEMENT.

All terms and conditions of the intermunicipal agreement attached hereto as Exhibit "A" are hereby incorporated herein by reference.

SECTION 3. DURATION.

The duration of the aforesaid agreement is set forth in Exhibit "A" and is incorporated herein by reference.

SECTION 4. PURPOSE.

The purpose of the aforesaid agreement is to provide police protection by the Borough of California to the residents of the Borough of Long Branch as set forth therein.

SECTION 5. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 6. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances or portions of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining prior Ordinances and portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 12 day of December, 2013.

ATTEST:

BOROUGH OF CALIFORNIA

Shelby Gans
Borough Secretary

By: *Jan Bittner*
President of Council

EXAMINED AND APPROVED by me this 12 day
of December, 2013.

BOROUGH OF CALIFORNIA

By: *[Signature]*
Mayor