

**BOROUGH OF BRIAR CREEK
COLUMBIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 160-07**

AN ORDINANCE OF THE BOROUGH OF BRIAR CREEK, COLUMBIA COUNTY, PENNSYLVANIA, PROVIDING FOR ENTERING INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH OTHER MUNICIPALITIES LOCATED WITHIN COLUMBIA COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF ESTABLISHING A COOPERATIVE EMERGENCY MANAGEMENT AGENCY FOR THOSE PARTICIPATING MUNICIPALITIES.

WHEREAS, the Borough of Briar Creek, located within Columbia County, Pennsylvania, desires to enter into an Intergovernmental Cooperation Agreement with the Borough of Berwick, also located within Columbia County, Pennsylvania, to provide for the creation of a cooperative emergency management agency to assume the responsibilities and functions of the separate emergency management agencies of the respective municipalities; and

WHEREAS, said municipalities, for the purpose of carrying the provisions of the Intergovernmental Cooperation Act into effect, deem it appropriate to enter into such agreement; and

WHEREAS, said municipalities have determined that the residents of each municipality will best be served by the establishment of a cooperative emergency management agency, rather than separate emergency management agencies in each of the respective municipalities.

NOW THEREFORE, be it Ordained and Enacted by the Council of the Borough of Briar Creek, Columbia County, Pennsylvania, and it is hereby Ordained and Enacted by the authority of and pursuant to the provisions of the Act of July 12, 1972, No. 180, P.L. 762, 53 P.S. 481-490, and pursuant to the authority and the provisions of the EMERGENCY MANAGEMENT SERVICES CODE, as amended, 35 Pa. C.S. 7101-7707, as follows:

SECTION 1 - TITLE.

This Ordinance shall be known as the Briar Creek Borough Emergency Management Ordinance.

SECTION 2 - PARTIES.

The Borough of Briar Creek hereby resolves to enter into an Intergovernmental Cooperation Agreement with the Borough of Berwick and such other municipalities as would desire to enter into an Intergovernmental Agreement in the future, whereby a

Berwick Emergency Management Agency will be created.

SECTION 3 - PURPOSE.

The purpose of the Berwick Emergency Management Agency would be to function as the management agency for each of the respective municipalities, in accordance with the EMERGENCY MANAGEMENT SERVICES CODE, as amended.

SECTION 4 - CONDITIONS OF AGREEMENT.

The conditions of the Intergovernmental Cooperation Agreement to be entered into between the participating municipalities are generally as follows:

A. The municipalities agree that they shall take steps to assure the formation of the Berwick Emergency Management Agency, said organization to be responsible for functioning as the Emergency Management Agency in each of the municipalities, and they shall prepare and maintain a Joint Emergency Operations Plan that can and will be implemented for response to emergencies affecting their municipalities.

B. Each municipality agrees that the Berwick Emergency Management Agency shall assume the responsibilities and functions of the heretofore individual Emergency Management Agencies in each of the municipalities, and shall prepare and maintain a **joint Emergency Operations Plan** that can and will be implemented for response to emergencies affecting municipalities that are parties to this Agreement. Said Plan is to be in consonance with the Emergency Operations Plans of Columbia County and the Commonwealth of Pennsylvania.

C. The Borough of Briar Creek shall appoint as many members as reasonably necessary to join the current Borough of Berwick Emergency Management Agency, which will have planning and resource development responsibilities for emergency operations within the territorial limits of the Borough of Briar Creek and Borough of Berwick. **Actions taken by the Berwick Emergency Management Agency must be ratified by the individual municipal governing bodies, as provided within the E.M.S. Code.**

D. The Berwick Emergency Management Agency shall operate according to the past practice of the Borough of Berwick Emergency Management Agency, including retaining the current EMA Director and EMA Deputy Director, with responsibility for operational control of emergency response operations within the territorial limits of the Berwick Emergency Management Agency. The Emergency Management Director will be subject to the direction and control of the elected officials of the municipality affected by the emergency situation. If both municipalities are affected by the same emergency situation, the Emergency Management Director shall be subject to the direction and control of the elected officials of the Borough of Berwick.

E. The budget for the Berwick Emergency Management Agency shall be managed by the Borough of Berwick. The Borough of Berwick shall act as the agent for the Borough of Briar Creek for the purpose of paying the expenses of the Berwick Emergency Management Agency as **required by the E.M.S. Code**. The Borough of Briar Creek can, at any time, request a budget report detailing all revenues and expenses incurred by the Berwick Emergency Management Agency.

F. The Borough of Briar Creek shall provide financial support to the Berwick Emergency Management Agency through donating its annual **EMA funding from Columbia County** to the Borough of Berwick. In addition, the Borough of Briar Creek shall also provide to the Berwick Emergency Management Agency any and all funds normally budgeted yearly for its Emergency Management program. Funds collected for the Agency shall be used for the purposes of administration, training, the purchase of equipment and other expenses as approved by the Emergency Management Board. Any expenses incurred as a result of a disaster will be the responsibility only of the municipality in which the disaster expenses were incurred.

G. The Borough of Briar Creek shall provide a satellite facility, including shelter if needed, as well as an emergency phone line, for emergency purposes. This shall be in addition to the primary headquarters of the Berwick Emergency Management Agency, which shall be located at the Borough of Berwick City Hall.

H. Each municipality agrees to supply the resources and personnel necessary to operate effectively the Berwick Emergency Management Agency and to otherwise assist the Agency in carrying out its responsibilities and duties to the residents of each of the respective municipalities.

I. Each municipality agrees that, in the event of dissolution of the Berwick Emergency Management Agency or the cessation of operation by the Berwick Emergency Management Agency, than all property, equipment and assets of any kind belonging to the Berwick Emergency Management Agency shall become the property of the municipalities in proportion to their respective contributions to the Berwick Emergency Management Agency. If one municipality chooses to leave the Agency and the Agency stays intact, the municipality leaving shall receive no consideration or reimbursement for its financial support. The monies paid by them shall be considered to have been payment for services rendered by the Agency while they were governed by the Agency.

J. Each municipality agrees to enter into this agreement for an infinite amount of time. Either municipality may withdraw from the Agency after providing (a) thirty (30) day written notice to the other member municipality and (b) acceptance by the county emergency coordinator of a stand alone emergency operations plan for that municipality.

K. Additional municipalities may become parties to this Agreement upon acceptance and execution of this Agreement, and upon approval by the governing bodies of the municipalities already a party to this Agreement.

L. This Agreement shall become effective for each municipality hereto when that municipality, by Ordinance of its governing body, adopts and approves this Agreement, and authorizes the proper municipal official to execute the same.

SECTION 5 – REPEAL OF INCONSISTENT RESOLUTIONS / ORDINANCES.

All resolutions and ordinances, or parts of either, which are inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION 6 – INVALIDITY.

The invalidity of any part of this Ordinance shall not affect the validity of any other part of this Ordinance.

SECTION 7 – REGISTRATION WITH COUNTY.

A copy of this Ordinance shall be filed with the County Emergency Management Agency and shall remain in effect unless amended. Any amendments shall also be filed with the County Emergency Management Coordinator.

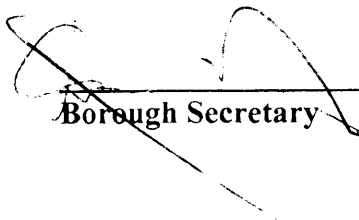
SECTION 8 - EFFECTIVE DATE

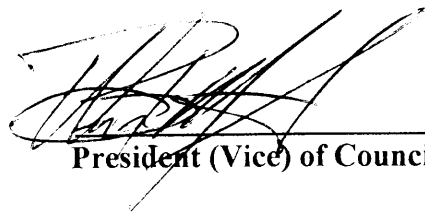
This Ordinance shall become effective five (5) days after enactment by the Council of the Borough of Briar Creek, Columbia County, Pennsylvania.

ENACTED AND ORDAINED, by the Council of the Borough of Briar Creek, Columbia County, Pennsylvania on this 6th day of June, 2007.

ATTEST:

BOROUGH OF BRIAR CREEK


Borough Secretary

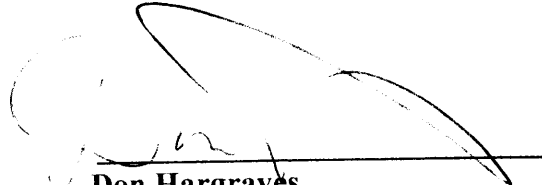

President (Vice) of Council


Mayor

CERTIFICATION

THE UNDERSIGNED, being the Secretary of the Borough of Briar Creek, hereby certifies that the attached is a true and correct copy of the ordinance relating to the Berwick Emergency Management Agency proposed for adoption at the regular meeting on Wednesday, June 6, 2007 at 7:30 P.M. at the Borough of Briar Creek Municipal Building, located at 6029 Park Road, Berwick, Pa. 18603.

6-6-07
DATE



Don Hargraves
Secretary