

Upon motion by John H. Groh, seconded by Richard P. Figaski, the following Ordinance was duly enacted, 2 voting in favor of enactment, 0 voting against enactment.

**ORDINANCE NO. 2015-14**

**An Ordinance of the Township of Millcreek pursuant to the provisions of 53 Pa. C.S.A. § 2301, et seq., authorizing inter-governmental cooperation with the County of Erie with respect to provision of fire, police, emergency and other dispatch communication services, including but not limited to use of the County's public safety radio system and of equipment of such system setting forth the terms of such authorization and agreement; approving the initial agreement allowing use of the system and authorizing Township officers to enter into supplemental and amendatory agreements as to said matters.**

**WHEREAS**, Millcreek Township has provided dispatch communication services to assist its Police Department, Fire Departments providing service to areas of the Township, the Millcreek Township Sewer Authority, the Millcreek Township Water Authority, various departments of the Township and owners of certain properties contracting with the Township; and

**WHEREAS**, the Board of Supervisors enacted Ordinance No. 2009-3, which approved an inter-governmental Agreement with the County of Erie under which the County would assume responsibility for emergency dispatch throughout Erie County; and

**WHEREAS**, pursuant to such Ordinance, the Township entered into a Dispatch Services Agreement and a first addendum thereto effective April 30, 2009 and a Supplemental Cooperation Agreement effective May 1, 2012, effecting transfer of certain licenses and providing for the County's routing of certain mobile data, all of which was directly related to the original 2009 agreement; and

**WHEREAS**, the County of Erie now has committed funding to acquire and provide to police, fire and other emergency services throughout the County radios and related equipment to provide a uniform public safety radio system and to acquire software and systems necessary to provide proper dispatch for the Township's Police Department, all of which is related to the dispatch services; and

**WHEREAS**, the County of Erie has asked that municipalities and other service entities affirmatively opt in to the proposed system so that the County can make appropriate decisions for development of the intended system; and

**WHEREAS**, additional agreements will be needed to establish, implement and administer the public safety radio system; and

**WHEREAS**, the Board of Supervisors has determined that it is in the best interests of the residents, taxpayers and property owners of Millcreek Township that dispatch services throughout Erie County be uniform so that providers can communicate with one another and that it is appropriate that Millcreek Township opt in to the County's proposed public safety radio system; and.

**WHEREAS**, the General Assembly of the Commonwealth of Pennsylvania, at 53 Pa. C.S.A. § 2301, et seq., has authorized local governments to enter into agreements involving intergovernmental cooperation; and

**WHEREAS**, said enabling statute requires that a local government adopt an appropriate ordinance prior to entering into intergovernmental cooperation.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Supervisors of Millcreek Township, Erie County, Pennsylvania and it is hereby enacted and ordained as follows:

SECTION 1. The conditions of agreement with respect to participation by Millcreek Township and its departments and agencies in the County of Erie’s public safety radio system are as follows:

- A. The Township, by and through its designated departments and agencies, will utilize the County’s system for public safety and public service radio communications coverage in accordance with rules and regulations of the FCC, the County and the Commonwealth of Pennsylvania and will operate the radio system for the Township’s official business purposes.
- B. The Township will “opt in” to the County’s Next Generation Radio Project by entering into the Inter-Agency Agreement approved by this Ordinance.
- C. Erie County shall cover 100% of end user equipment costs based on the predetermined quantities set forth in Exhibit B to such Agreement. Any additional equipment not outlined in such Exhibit or otherwise agreed to with the County will be the sole financial responsibility of the Township.
- D. The Township, individually or collectively with other agencies participating in such agreements, shall apply for COPS More Technology, Federal Assistance to Firefighters and other grant funding opportunities as they become available, to assist in funding the County’s system costs, and any grant funds received as to such applications are to be returned to the County to offset its costs of infrastructure, hardware, software and end user equipment.
- E. Current remote dispatch points, including Millcreek’s communications center, shall be responsible for 100% of the costs associated with purchasing the equipment necessary to interface with the County’s system.
- F. Regulations as to equipment and system access are as set forth in Paragraphs 3 and 4 of the Inter-Agency Agreement.
- G. The County will hold and maintain an FCC license to operate the radio system. Millcreek, as a user, will operate under and comply with all requirements and conditions of the County’s license.
- H. The term of the agreement is five (5) years, with the term automatically renewing for up to three (3) additional 5-year terms unless terminated by a party with at least 60 days’ prior written notice.

- I. Either party to the agreement may terminate the Agreement without cause upon 90 days' prior written notice to the other party and the County may terminate the agreement "with cause" (as defined in Paragraph 7.2 of the Agreement) on 60 days' prior written notice.
- J. The parties anticipate supplemental and amendatory agreements to establish, implement and administer the public safety radio system.

SECTION 2. The Board of Supervisors shall also have authority to enter into supplemental and amendatory agreements with respect to establishment, implementation, funding and/or administration of the public radio system and to approve additional agreements and/or to amend existing agreements pertaining to provision of emergency, fire, police and other communications services and/or to authorize purchase or joint purchase of equipment and software consistent with this Ordinance as are deemed necessary to ensure provision of efficient and quality emergency communications services and the proper delegation of such functions to the County of Erie.

SECTION 3. In accordance with the First Addendum to the April 2009 Agreement, the Township's Police Department will transition to dispatch services by the County's Public Safety dispatch system once the County acquires and implements software and other system components assuring provision of necessary data. This transition will directly affect the Township's communications center. Ordinance 2009-3 and this Ordinance authorize the Board of Supervisors to enter into such future agreements as are necessary to implement such transition of dispatch services and address impact of such transition on the public safety radio system.

SECTION 4. The Inter-Agency Agreement for the Next Generation Public Safety Radio System between the Township of Millcreek and the County of Erie as summarized above, as well as all future supplemental and amendatory agreements relating to it, is and are hereby authorized, and the Board of Supervisors is authorized to approve and provide for the execution and administration thereof.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

SECTION 6. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

**BE IT ENACTED** this 1<sup>st</sup> day of December, 2015.

  
Richard P. Figaski, Secretary