

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA
RESOLUTION NO. 2022- 838**

**A RESOLUTION OF MALVERN BOROUGH
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
COOPERATION AGREEMENT FOR THE PURPOSE OF JOINING WITH OTHER
MUNICIPALITIES
AS A MEMBER OF THE CHESTER COUNTY
EMERGENCY RESPONSE COMMISSION**

WHEREAS the first responsibility of the Borough Council of Malvern Borough is the public safety of the citizens of Malvern Borough; and

WHEREAS, the Borough Council and the Malvern Borough Police Department have determined that there is a need for and a substantial benefit to be derived from pooling specialized police services, including the need for emergency response team services, and other such specialized police services as determined in the future, and

WHEREAS, the Pennsylvania Intergovernmental Cooperation Act, Act 77 of 1996 (53 P.S. § 2301, *et seq.*), hereinafter the "Act", permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Act provides that any joint cooperation agreement shall be deemed in force as to any municipality when the same has been adopted by resolution or other authorized means by all cooperating municipalities; and

WHEREAS, Malvern Borough and various other Chester County Municipalities desire to enter into an Agreement to fulfill the purpose as stated in the Agreement, in accordance with the Act; and

WHEREAS, the Borough Council of Malvern Borough desires to enact such a Resolution.

NOW, THEREFORE BE IT RESOLVED, AS FOLLOWS:

Section 1. Incorporation of Recitals

The caption and recitals to this Resolution as set forth above are incorporated herein by reference.

Section 2. Authorization of Agreement

The Borough Council of Malvern Borough hereby authorizes the execution of the Articles of Agreement ("Agreement"), attached hereto as Exhibit A, between Malvern

Borough and various other Chester County municipalities, whereby Malvern Borough will join to establish and operate the Chester County Emergency Response Group, hereinafter referred to as the "Commission."

Section 3. Purposes and Objectives of the Agreement

The purpose of the Agreement is to carry out the powers and duties of municipalities as set forth in 42 Pa.C.S.A § 8951, *et seq.* (the Municipal Police Jurisdiction Act) with the assistance from various other municipalities in response to police emergencies which occur in and around Chester County, Pennsylvania where a specialized emergency law enforcement response is requested and necessary to achieve a safe resolution of the emergency situation for all individuals involved in the situation, the responding law enforcement officers and the general community.

The Borough Council of Malvern Borough desires to collectively associate with the other member municipalities, by virtue of the Agreement, to create and establish the Commission, as provided in this resolution, the Agreement, and as authorized by the Act and the other applicable laws.

Section 4. Term of Agreement

Malvern Borough shall become a member of the Commission commencing on the date of the enactment of its authorizing resolution. Thereafter, the term of the Agreement shall automatically renew annually on the first day of each subsequent year subject to modification and termination as set forth in the Agreement.

Section 5. Financing of the Agreement

Malvern Borough shall pay an annual membership fee per calendar year as set forth in the Agreement.

Section 6. Organizational Structure and Governance

The Commission shall be organized and governed as set forth in the Agreement. The Commission shall have the authority and power to:

- a. Lease, sell, and purchase real estate;
- b. Lease, sell and purchase personal property;
- c. Enter into contracts for the purchase of goods and services;
- d. Establish and maintain bank accounts and other financial accounts;
- e. Invest monies;
- f. Borrow monies;
- g. Apply for and receive grant funding from other public and private sources;

h. Any other lawful activity under the laws of the Commonwealth.

Section 7. Disposition of Property

The Commission shall have the power to acquire personal property and shall have ownership of such property. In the event of dissolution of the Commission, all equipment, materials, and supplies retained by the Commission shall distributed as set forth in the Agreement.

Section 8. Severability

If any sentence, clause, section, or part of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution. It is hereby declared as the intent of the Borough Council of Malvern Borough that this Resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

RESOLVED this 18th day of October, 2022

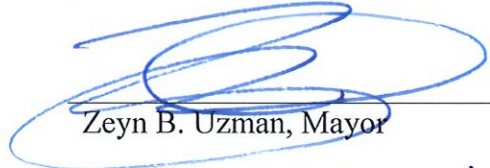
by Borough Council,



Amy Finkbiner, PhD, President

APPROVED by the Mayor,

this 18th day of October, 2022



Zeyn B. Uzman, Mayor

ENACTED


This 18th day of October, 2022



Tiffany M. Loomis, Secretary

**BOROUGH COUNCIL OF
THE BOROUGH OF MALVERN**

Dated: _____



Amy Finkbiner, Ph.D., President

I, Tiffany Loomis, duly qualified Secretary of the Borough of Malvern, Chester County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Malvern Council at a regular meeting held October 18, 2021, and said Resolution has been recorded in the Minutes of the Borough of Malvern and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Malvern, this 18th day of October, 2022.