

LEBOEUF TOWNSHIP
ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 of 2016

AN ORDINANCE OF THE LEBOEUF TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, PROVIDING FOR ENTERING INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH ERIE COUNTY AND ANY OTHER INTERESTED MUNICIPALITIES WHO MAY WISH TO JOIN LOCATED WITHIN ERIE COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF ESTABLISHING A NEXT GENERATION PUBLIC SAFETY RADIO SYSTEM INTER-AGENCY AGREEMENT FOR THOSE PARTICIPATING MUNICIPALITIES.

WHEREAS, various municipalities located within Erie County, Pennsylvania desire to enter into a Next Generation Public Safety Radio System Inter-Agency Agreement (the "Participating 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 be best served by approving the Next Generation Public Safety Radio System Inter-Agency Agreement; and

NOW, THEREFORE, be it Ordained and Enacted by the Board of Supervisors of LeBoeuf Township, of Erie County, Pennsylvania, by the authority of and pursuant to the provisions of 53 Pa. C.S.A., Chapter 23, as amended, as follows:

Section 1. Parties and Purpose

Erie County (the "County") and LeBoeuf Township ("LeBoeuf") hereby enter into a Next Generation Public Safety Radio System Inter-Agency Agreement with the other municipalities as would desire to enter into a Next Generation Public Safety Radio System Inter-Agency Agreement. LeBoeuf wishes to utilize the County's Radio System for its public safety and public service radio communications coverage and to establish interagency communication with the County. LeBoeuf agrees to utilize the system in accordance to the rules and regulations of the FCC, the County, and the Commonwealth of Pennsylvania and will operate the Radio System in a professional manner and only for LeBoeuf's official business purposes.

Section 2. Conditions of Agreement

The conditions of the intergovernmental cooperation agreement to be entered into between the Participating Municipalities and the County are described as follows:

- A. Any police, fire, medical, and local emergency management agency designated by the local municipality as their emergency service provider, choosing to "opt in" to

the Next Generation Radio Project, will be required to sign an "Inter-Agency Agreement" with the County by December 15, 2015. Any police, fire, medical and local emergency management agency choosing to "opt out" of the Next Generation Public Safety Radio Project will be responsible for 100% of the costs associated with purchasing the equipment necessary to interface with Next Generation Public Safety Radio System.

- B. The County is covering 100% of end user equipment costs based on the pre-determined quantity (refer to Exhibit "B" within the Intergovernmental Cooperation Agreement) as defined in the final report and recommendation by MCM Consulting Group. Any additional equipment requested by any police, fire, medical, and local emergency management agencies not outlined in the report of the MCM Consulting Group's study will be the sole financial responsibility of the respective agency (Based on county/manufacturers specifications).
- C. As the County is covering 100% of end user equipment costs based on the pre-determined quantity (refer to Exhibit "B" within the Intergovernmental Cooperation Agreement), all local fire, medical, police and local emergency management agencies shall collectively apply for Federal Assistance to Firefighters, COPS More Technology, and other grant funding opportunities as they become available. Any grant funds received are to be returned to the County to offset the costs of infrastructure hardware, software and end user equipment.
- D. The current "Remote Dispatch Points" (East County, Millcreek Township and the PA State Police) shall be responsible for 100% of the costs associated with purchasing the equipment necessary to interface with the Next Generation Public Safety Radio System (Based on county/manufacturers specifications).

Section 3. Duration of Agreement

The Intergovernmental Cooperation Agreement shall commence upon the effective date and shall continue for a period of five (5) years (the "Initial Term"). Unless written notice is provided not less than sixty (60) days prior to the expiration of the Initial Term, the agreement shall automatically renew for three (3) consecutive five (5) year terms until terminated by either party by providing at least sixty (60) days' written notice to the other party prior to the commencement of any subsequent renewal term.

Additionally, either party shall have absolute right to terminate the agreement without cause upon ninety (90) days written notice to the other. The County shall have the right to terminate the agreement with cause upon sixty (60) days written notice to LeBoeuf. For purposes of this paragraph, termination with cause includes but is not limited breach or violation of any of the terms or provisions of the agreement or the County's FCC license, violation of any County licensing agreement with any third party, vendor or misuse or unauthorized use of the radio system.

Section 4. Repeal of Inconsistent Resolutions and Ordinances

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

Section 5. Invalidity

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

Section 6. Effective Date

This Ordinance shall become upon enactment.

ENACTED and ORDAINED this 4th day of JANUARY.

ATTEST:

Catherine Wise
Secretary

LEBOEUF TOWNSHIP

Robert A. [Signature]
Supervisor

Michael [Signature]
Supervisor

James H. Glover
Supervisor

I hereby certify that the foregoing Ordinance was advertised on _____, in the Erie Times News, a newspaper of general circulation in the Township and was duly enacted and approved as set forth at a regular meeting of the LeBoeuf Township Board of Supervisors held on JANUARY 4, 2016.

Catherine Wise
Secretary