

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

---

ORDINANCE NO. CCXXXVI

---

AN ORDINANCE AUTHORIZING THE TOWNSHIPS OF MOUNT JOY AND WEST DONEGAL, BOTH OF LANCASTER COUNTY, PENNSYLVANIA, TO ENTER INTO AN AMENDMENT TO AN INTERMUNICIPAL AGREEMENT GOVERNING THE NORTHWEST REGIONAL LANCASTER COUNTY POLICE COMMISSION AND THE NORTHWEST REGIONAL LANCASTER COUNTY POLICE DEPARTMENT.

WHEREAS, Mount Joy Township ("Mount Joy") and West Donegal Township ("West Donegal") (collectively the "Municipalities") are adjoining municipalities located within Lancaster County; and

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa C.S. §2301 et seq., permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, Mount Joy and West Donegal entered into an Agreement dated as of August 4, 2003 (the "Intermunicipal Agreement") whereby they provided for the formation of the Northwest Regional Lancaster County Police Commission and the Northwest Regional Lancaster County Police Department; and

WHEREAS, Mount Joy and West Donegal desire to amend the Intermunicipal Agreement; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed in force as to any municipality when the same has been adopted by ordinance by all cooperating municipalities; and

WHEREAS, the Municipalities desire to enact such an ordinance.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the

Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference.

Section 2. This Municipality agrees that Mount Joy Township and West Donegal Township shall join with each other in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into the Amendment to the Intermunicipal Agreement which is adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was enacted.

Section 3. This Municipality is authorized to enter into the Amendment to the Intermunicipal Agreement for the purposes contained therein. This action is to be taken by the officials or employees of the Municipality designated for this purpose, pursuant to general or specific instructions issued by the Governing Body.

Section 4. As required by the Intergovernmental Cooperation Act the following matters are specifically found and determined:

A. The conditions of the agreement are set forth in the Amendment to the Intermunicipal Agreement referred to in Section 2.

B. The Amendment to the Intermunicipal Agreement shall commence on January 1, 2009, and shall continue to December 31, 2013. Thereafter the Intermunicipal Agreement, as amended, shall be terminable by either party at the conclusion of a fiscal year upon written notification to the other party of the party's election to terminate the Intermunicipal Agreement. Such termination shall become effective the first fiscal year beginning one (1) year after the date of such written notice by the party electing to terminate the Intermunicipal Agreement.

C. The purposes and objectives of the Amendment to the Intermunicipal Agreement are to revise provisions of the Intermunicipal Agreement governing budget and finances of the Northwest Regional Lancaster County Police Commission which shall be the governing body of the Northwest Regional Lancaster County Police Department, a regional police department which provides police protective services to the Northwest Regional Lancaster County Police District, which provides the area of both Mount Joy and West Donegal.

D. Mount Joy and West Donegal shall contribute percentages of the expenses to operate the Northwest Regional Lancaster County Police Commission and the Northwest Regional Lancaster County Police Department using a cost allocation formula based on population, assessed value of properties and road miles.

E. No new organizational structure shall be formed. The Northwest Regional

Lancaster County Police Commission, formed by the Intermunicipal Agreement shall continue. The Northwest Regional Lancaster County Police Commission shall be the governing body of the Northwest Lancaster County Regional Police Department. The Commission has an odd number of members. Two members of each governing body are members of the Commission. When there is an even number of municipalities, one member of the Commission shall be selected on a rotating basis by the governing bodies of the Municipalities in the order in which such Municipality joined the Commission.

F. The Northwest Regional Lancaster County Police Commission shall acquire personal property and shall have ownership of such property.

G. The Northwest Regional Lancaster County Police Commission shall have the power to enter into contracts for policies of insurance or other employee benefits.

Section 5. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 6. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Mount Joy as provided by law.

DULY ORDAINED AND ENACTED this 15<sup>TH</sup> day of OCTOBER, 2007, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY  
Lancaster County, Pennsylvania

Attest: Patricia J. Bailey  
~~(Assistant)~~ Secretary

By: Blaine E. Miller  
~~(Chairman)~~ Chairman  
Board of Supervisors

[TOWNSHIP SEAL]

## AMENDMENT TO ARTICLES OF AGREEMENT

THIS AMENDMENT TO ARTICLES OF AGREEMENT made as of the 1<sup>ST</sup> day of OCTOBER, 2007, by and between the TOWNSHIP OF MOUNT JOY, Lancaster County, Pennsylvania, a second class township with municipal offices located at 159 Merts Drive, Elizabethtown, Pennsylvania 17022, hereinafter referred to as "Mount Joy", and the TOWNSHIP OF WEST DONEGAL, Lancaster County, Pennsylvania, a second class township with municipal offices located at One Municipal Drive, Elizabethtown, Pennsylvania 17022, hereinafter referred to as "West Donegal", both political subdivisions of the Commonwealth of Pennsylvania, situate in the County of Lancaster, hereinafter collectively referred to as the "Municipalities" and individually referred to as the "Municipality".

### BACKGROUND:

By Articles of Agreement dated August 4, 2003, the Municipalities created the Northwest Regional Lancaster County Police Commission (the "Commission") and the Northwest Regional Lancaster County Police Department (the "Regional Department"). The Regional Department, as administered by the Commission, has been providing police services within the Municipalities in accordance with the Articles of Agreement.

The Municipalities have discussed funding of the Commission and the Regional Department and have agreed to change the apportionment formula in Article 4 of the Articles of Agreement. The Municipalities also desire to impose a cap on increases in the annual budget of the Commission unless both Municipalities affirmatively take action to allow a greater increase. Finally, the Municipalities have agreed to extend the term of the Articles of Agreement.

The purpose of this Amendment to Articles of Agreement is to set forth those changes described above.

NOW THEREFORE, for and in consideration of the mutual promises hereinafter contained, the parties, intending to be legally bound hereby, agree as follows:

Section 1. The foregoing background recitals are incorporated into and made a substantive part of this Amendment to Articles of Agreement.

Section 2. In this Amendment to Articles of Agreement, all terms defined in the Articles of Agreement shall have the meanings set forth in the Articles of Agreement.

Section 3. Article 4, Apportionment Formula, of the Articles of Agreement shall be revised to provide as follows:

#### ARTICLE 4 APPORTIONMENT FORMULA

Section 4.1. All costs for area-wide police service, including but not limited to employee payroll and benefits, motor vehicles, and headquarter operating expenses, shall be apportioned on an equitable basis in accordance with the respective populations of the Municipalities, miles of road within each of the Municipalities, and total assessed value of properties, both taxable and non-taxable within each Municipality. Each category shall constitute one-third of the annual cost to be apportioned to each Municipality, and each Municipality shall pay that fraction of such one third as its share of the population, assessed value or road miles relates to the total population, assessed values or road miles. A chart illustrating the apportionment of the cost using this formula with 2007 values is attached as Exhibit "A" and incorporated herein.

Section 4.2. The population figures to be used for computing the percentage of cost allocated to each Municipality shall be based on the School District census figures for such Municipality as of September 15 of each calendar year. The population of the Municipality determined as of September 15 of a calendar year shall be used in the formula to allocate costs for the succeeding calendar year.

Section 4.3. The assessed property values for each Municipality shall be determined based upon the Lancaster County Assessment Office figures provided in February of each year. The total assessed property values for each Municipality shall include all taxable and non-taxable properties in the Municipality. The assessed value provided by the Lancaster County Assessment Office in February of a calendar year shall be used in the cost-sharing formula for allocation of costs in the succeeding calendar year.

Section 4.4. The number of total road miles in each Municipality shall be determined based on the Pennsylvania Department of Transportation Liquid Fuels Map for such Municipality. The Liquid Fuels Map in effect on September 15 of a calendar year shall be used in the cost-sharing formula for the allocation of costs in the succeeding calendar year.

Section 4.5. If one or more additional political subdivisions shall join the Regional Department, the Commission shall revise the apportionment formula to

provide for a reapportionment of costs in accordance with the respective populations, total assessed property value, and road miles of all members of the Regional Department.

Section 4. Article 5, Finance, Section 5.1, of the Articles of Agreement shall be amended by adding the following at the end of the existing Section:

Unless both Municipalities expressly agree by a vote of their respective governing bodies, the Commission shall insure that the increase in the annual budget (exclusive of supplemental funding as may be available from time to time from local, state, and federal sources) shall not exceed the cost of living percentage increase as determined by the Social Security Administration.

Section 5. Article 5, Finance, of the Articles of Agreement shall be amended by inserting a new Section 5.9 which shall provide as follows:

Section 5.9. Any fines collected as a result of citations issued by the Regional Department shall be paid to and be the property of the Municipality in which the incident occurred.

Section 6. Article 12, Term of Agreement and Dissolution, Section 12.2, of the Articles of Agreement shall be amended to provide:

Section 12.2. This Agreement shall be automatically renewed for five year period beginning on January 1, 2009, and extending through December 31, 2013. Thereafter, this Agreement shall be automatically renewed for three year periods beginning on January 1, 2014, unless the Regional Department is dissolved following the procedure set forth herein or unless due to the withdrawal of one or more municipalities, only one municipality remains a member of the Regional Department.

Section 7. Article 12, Term of Agreement and Dissolution, Section 12.3, of the Articles of Agreement shall be amended to provide as follows:

Section 12.3. On and after January 1, 2014, any Municipality may withdraw from the Regional Department. A Municipality may withdraw from the Regional Department only upon the completion of a fiscal year of the Regional Department. A Municipality desiring to withdraw shall provide written notice served by certified mail, return receipt requested, upon all other Municipalities and upon the Commission of its intent to withdraw from the Regional Department. Such notice of withdrawal shall be served no later than one year prior to January 1 of the year preceding the effective date of the withdrawal. By way of example, if a Municipality desires to withdraw as of January 1, 2014, notice of intent to withdraw must be given no later than January 1, 2013.

Section 8. This Amendment to Articles of Agreement shall take effect on and be in force

from January 1, 2009.

Section 9. All other parts and provisions of the Articles of Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these Articles of Agreement to be executed as of the day and year first above written.

TOWNSHIP OF MOUNT JOY  
Lancaster County, Pennsylvania

Attest: Patricia J. Bailey  
(Assistant) Secretary

By: Blaine E. Miller  
~~(Chairman)~~ Chairman,  
Board of Supervisors

[TOWNSHIP SEAL]

TOWNSHIP OF WEST DONEGAL  
Lancaster County, Pennsylvania

Attest: [Signature]  
(Assistant) Secretary

By: [Signature]  
(Vice) Chairman,  
Board of Supervisors

[TOWNSHIP SEAL]

Chart C-3

**POLICE STUDY**

COST DISTRIBUTION BASED ON .333 POPULATION AND .333 ASSESSED VALUE OF PROPERTY AND .333 ROAD MILES

Municipality	Population	Percent of Total	Times .333	Assessed Property Value (1000)	Percent of Total	Times .333	Road Miles	Percent of Total	Times .333	Average of Three
WDT	8,059	47.7	15.88	578,185,900	48.3	16.08	59.83	35.7	11.89	43.85
MJT	8,830	52.3	17.42	618,655,600	51.7	17.22	107.69	64.3	21.41	56.15

**EXHIBIT A**