

TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 39

AN ORDINANCE OF SOUTH BEAVER TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA, AUTHORIZING EXECUTION OF A CONTRACT AND FINANCIAL AGREEMENT WITH THE BOROUGH OF DARLINGTON FOR THE TOWNSHIP OF SOUTH BEAVER TO PROVIDE POLICE PROTECTION SERVICES TO AND WITHIN THE BOROUGH OF DARLINGTON BY AND THROUGH THE SOUTH BEAVER TOWNSHIP POLICE DEPARTMENT.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Beaver, Beaver County, Pennsylvania, and it is hereby enacted by the authority of same:

SECTION 1. The Township of South Beaver by its Board of Supervisors, upon and after adoption of this Ordinance, is hereby authorized to enter into and execute a Contract and Financial Agreement with the Borough of Darlington for the Township of South Beaver to provide police protection and services to the Borough of Darlington by, through and with the personnel and equipment of the South Beaver Township Police Department.

A. The term or duration of such Contract and Financial Agreement shall be indefinite, i.e. of perpetual duration, subject however, to written amendment by the parties, mutual termination by subsequent written agreement of the parties, and subject to unilateral termination by either party by written notice to the other, which unilateral termination shall be effective no later than the end of the calendar month following the month in which the governing body of the terminating municipality shall so vote at a duly convened public meeting.

B. The purpose of the Contract and Financial Agreement shall be to provide police protection and services within the municipal boundaries of the Borough of Darlington, and in conjunction therewith before any Magistrate or Court of competent jurisdiction or other legal proceeding, by

and through the personnel and equipment of the South Beaver Township Police Department, which Police Department shall be the organizational structure necessary to implement the Contract and Financial Agreement.

(1) The said personnel of said South Beaver Township Police Department upon and after execution of said Contract and Financial Agreement shall have full authority and arrest powers as a police officer of and for the Borough of Darlington.

(2) Said Contract and Financial Agreement shall provide that said personnel of the South Beaver Township shall not be "statutory employees" of Darlington Borough for the purpose and requirements of issuing wages, wage statements, withholding of employee taxes or similar charges and expenses relative to employee wages or compensation, and/or the providing of workmen compensation and/or unemployment compensation, or similar obligation of employer, as such obligation of "statutory employer" shall remain with South Beaver Township.

(3) Said Contract and Financial Agreement shall provide that all matters relative to civil service or similar right and obligation of personnel of the South Beaver Township Police Department shall be governed by South Beaver Township pursuant to the Second Class Township Code and related laws and regulations.

C. Said Contract and Financial Agreement shall provide for Darlington Borough to pay unto South Beaver Township compensation for the cost of such police protection and services, a determined percentage or other appropriate method of determination, of the operating budget cost of said Police Department which South Beaver Township shall appropriately maintain during the duration of the agreement, including but not limited to: compensation of personnel and all attributable and related costs as to said compensation; insurances; pension plan; and equipment budget, to be paid in equal monthly installments; and to provide for amendment thereof from time to time, in such manner as the governing bodies of the municipalities shall determine and agree as appropriate from time to time.

SECTION 2. The provisions of this Ordinance are severable and if any section, clause, sentence, part or provision shall be illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections or clauses.

DULY enacted and ordained this 8th day of May, 1990.

ATTEST:

SOUTH BEAVER TOWNSHIP
BOARD OF SUPERVISORS

Carol Miller
Secretary

Richard Backen
Supervisor

Clifford Cole
Supervisor

Charles W. Gaffin
Supervisor