

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 31-21

A RESOLUTION OF UPPER DARBY TOWNSHIP TO ENTER INTO AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF DELAWARE, THE CITY OF CHESTER, AND THE BOROUGH OF DARBY REGARDING THE 2021 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Agreement is made and entered into and between the County of Delaware, acting by and through its governing body, the Delaware County Council (“County”), the City of Chester, Borough of Darby (collectively the “municipalities”), and Township of Upper Darby, acting by and through their respective governing bodies; and

WHEREAS, this Agreement is made under the authority of the Home Rule Charter of Delaware County, the Home Rule Charter of Upper Darby Township, the Pennsylvania Third Class City Code, the Pennsylvania First Class Township Code and the Pennsylvania Borough Code, as applicable to each municipality; and,

WHEREAS, each governing body in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and,

WHEREAS, each governing body finds that the performance of this agreement is in the best interest of each party, that the undertaking will benefit the public, and, that the division of costs fairly compensates the performing party for the services or functions under this agreement, and,

WHEREAS, the County agreed to be the recipient of funding in the amount of \$110,045.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant (“JAG”) for fiscal year 2021; and,

WHEREAS, the County, the Township, and the Municipalities believe it to be in their best interests to reallocate the JAG funds as follows:

Chester City \$54,838
Darby Borough \$17, 703
Upper Darby Township \$37,504
County of Delaware *

WHEREAS, the County is ineligible for direct JAG funding in FY 2021, for JAG purposes the County remains a partner with the municipalities receiving JAG funding, and must be a signatory on the Memorandum of Understanding (“MOU”) required of disparate jurisdictions;

NOW, THEREFORE, it is hereby **RESOLVED** by the Upper Darby Township Council that the following shall govern the Intermunicipal Cooperation Agreement between the Township, the County, and the Municipalities, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

SECTION 1. Upper Darby Township accepts \$37,504 in JAG funds, as stated above.

SECTION 2. Upper Darby Township agrees to use the JAG funds allocated to it for the program in accordance with all federal, state and local laws and as described in the JAG application and will utilize those funds during the four-year period following the award of the grant.

SECTION 3. Nothing in the performance of this agreement shall impose any liability for claims against the County or any municipality other than claims for which liability may be imposed by the Pennsylvania Political Subdivisions Tort Claims Act, 42 Pa. C.S. § 8541, *et seq.*

SECTION 4. Upper Darby Township is responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other parties.

SECTION 5. The parties to this Agreement do not intend for any third party to obtain any right by virtue of this agreement.

SECTION 6. By entering into this Agreement, the parties do not intend any obligations, express or implied, other than those set out herein: further, this Agreement should not create any rights in any party not a signatory hereto.

SECTION 7. Council authorizes the Mayor, or her designee, to execute the Intermunicipal Cooperation Agreement between the County of Delaware and the City of

Chester, Borough of Darby, and the Township of Upper Darby for the 2021 Byrne Justice Assistance Grant (JAG) Program Award.

SECTION 8. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

SECTION 9. SEVERABILITY. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

SECTION 10. EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

ADOPTED and RESOLVED this 23rd day of _____, 2021.

BY: _____
LAURA A. WENTZ
President of Council

ATTEST: _____
MICHELLE BILLUPS
Secretary of Council

Resolution No. _____ is hereby approved this _____ day of _____ 2021

BY: _____
BARBARANN KEFFER
Mayor

ATTEST: _____
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

