

UPPER DARBY TOWNSHIP COUNCIL

RESOLUTION NO. 14-26

A RESOLUTION OF THE TOWNSHIP COUNCIL OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN UPPER DARBY TOWNSHIP AND THE COUNTY OF DELAWARE AND THE CITY OF CHESTER AND THE BOROUGH OF DARBY FOR THE PURPOSE OF RECEIVING GRANT FUNDING FROM THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, Upper Darby Township (“Township”) is a Home Rule municipality organized and operating in accordance with the Charter of Upper Darby Township (“Charter”) as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. §2901 et seq. (“Home Rule Law”); and

WHEREAS, the County of Delaware (“Delaware County”) is a Home Rule municipality organized and operating in accordance with the Charter of Delaware County (“Delaware County Charter”) as permitted by the Home Rule Law; and

WHEREAS, the City of Chester (“Chester”) is a Third-Class City organized and operating in accordance with the Pennsylvania Third-Class City Code, as permitted by, 11 Pa.C.S. § 10101 et seq; and

WHEREAS, the Borough of Darby (“Darby Borough”) is a Borough organized and operating in accordance with the Pennsylvania Borough Code (“Code”), as permitted by, 8 Pa. C.S. §§ 101 et seq., and

WHEREAS, the Township along with Delaware County; Chester City; and Darby Borough are eligible recipients of funding in the amount of \$110, 786.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant (“Grant”) for fiscal year 2025; and

WHEREAS, while Delaware County is ineligible to receive direct funding, under the Grant requirements, Delaware County shall remain a partner with the city/cities receiving funding, and must be a signatory on the Memorandum of Understanding required of the disparate jurisdictions attached hereto as “**Exhibit A;**” and

WHEREAS, under the Grant, Upper Darby Township is expected to receive \$38, 385; Chester City is expected to receive \$51, 492; and Darby Borough is expected to receive \$20, 909; and

WHEREAS, Delaware County seeks to allocate and distribute Grant funding to Upper Darby Township; Chester City; and Darby Borough, as required and established by the terms of the Memorandum of Understanding attached hereto as “**Exhibit A;**” and

WHEREAS, the Township, Delaware County; Chester City; and Darby Borough mutually desire to establish that the performance of the Memorandum of Understanding is in the best interest of each party, that the undertaking will benefit of the public, and that the division of costs fairly compensates the performing party for the services of functions of the Memorandum of Understanding attached hereto as “**Exhibit A;**” and

WHEREAS, the Township wishes to adopt and fully give force to the attached Memorandum of Understanding by Resolution; and

WHEREAS, on April 15, 2026, the Township received from Delaware County officials documents relating to the JAG funding and the attached Memorandum of Understanding; and

WHEREAS, after the April 15, 2026 Township Council meeting and prior to the May 6, 2026, Township Council meeting, the Township received information from Delaware County officials that the Memorandum of Understanding needed to be executed by May 1, 2026, to receive the Grant (“Grant Deadline”); and

WHEREAS, to be in compliance with the Grant Deadline, the Mayor and/or other Township administration has executed the Memorandum of Understanding attached hereto as “**Exhibit A;**” and

WHEREAS, Article 9, Section 5 of the Pennsylvania Constitution and the Intergovernmental Cooperation Act of 1996, 53 Pa. C.S.A. § 2301 *et seq.*, authorize two or more local governments to jointly cooperate with each other in the exercise or performance of their respective governmental functions, powers and responsibilities; and

WHEREAS, Section 2135 of the Intergovernmental Cooperation Act, 53 Pa. C.S.A. § 2315, provides that a joint cooperation agreement shall be deemed in force as to any local government when the agreement has been adopted by ordinance or resolution by all cooperating local governments; and

WHEREAS, a copy of the executed Memorandum of Understanding, the contents of which are incorporated into this Resolution in order to satisfy the requirements of Section 2307 of the Intergovernmental Cooperation Act, 53 Pa. C.S.A. § 2307, is attached hereto as **Exhibit “A.”**

NOW THEREFORE, BE IT RESOLVED, by the Upper Darby Township Council, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

1. Any and all actions taken by the Mayor and/or Township administration with the execution of the Memorandum of Understanding attached hereto as **“Exhibit A”** taken in connection with the action contemplated by the foregoing resolution prior to the execution hereof be and is hereby ratified, confirmed, approved and adopted in all respects as fully as if such action had been presented to for approval and approved by, Township Council prior to such action being taken.
2. Should Township Council fail to adopt and ratify the execution of the Memorandum of Understanding, attached hereto as **“Exhibit A,”** the Township shall immediately notify Delaware County officials and reject all Grant funding for the Township.
3. All resolutions, or parts thereof, inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.
4. The provisions of this Resolution are declared to be severable. 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.
5. This Resolution shall become effective immediately upon the signature of the Mayor or, in the event the Mayor neither approves nor vetoes this Resolution, fifteen days after the last day on which the Mayor can approve or veto this Resolution, as set forth in the Upper Darby Township Home Rule Charter, Section C-702.C.

ADOPTED and RESOLVED this 6th day of May, 2026.

SEAL:

ATTEST: _____
MICHELLE BILLUPS
Secretary of Council

BY: _____
MARION B. MINICK
President of Council

Resolution No. 14-26 is hereby approved this 6th day of May, 2026.

ATTEST: _____
CRANDALL O. JONES
Chief Administrative Officer

BY: _____
EDWARD BROWN
Mayor

Exhibit

“A”

**INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF DELAWARE AND THE CITY OF CHESTER, BOROUGH OF
DARBY and THE TOWNSHIP OF UPPER DARBY**

2025 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into as the date stated below by and between the County of Delaware, acting by and through its governing body, the Delaware County Council, hereinafter referred to as "County", and the City of Chester, Borough of Darby and Township of Upper Darby acting by and through their respective governing bodies. Witnesseth:

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 agrees to be the recipient of funding in the amount of \$110,786.00 from the United States Department of Justice from the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2025; and,

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

Chester City	\$51,492
Darby Borough	\$20,909
Upper Darby Township	\$38,385
County of Delaware	•

*While ineligible for direct JAG funding in FY 2025, for JAG purposes this County remains a partner with the city/cities receiving JAG funding, and must be a signatory on the MOU required of disparate jurisdictions.

NOW THEREFORE, the County and each municipality agree as follows:

Section 1

The County agrees to pay to each municipality the amount of JAG funds, as stated above.

Section 2

Each municipality 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.

Section 4

Each party to this agreement will be 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.

Approved this 15th day of May, 2026.



Edward Brown, Mayor, Upper Darby Township

Attest:

