

JOINT ARTICLES OF AGREEMENT  
FOR THE  
REGIONAL EMERGENCY MANAGEMENT PROGRAM

*Approved by General Forum - November 27, 2006*

THIS AGREEMENT, is made this 11<sup>th</sup> day of January, 2007, by and among the Townships of College, Ferguson, Halfmoon, Harris, and Patton and the Borough of State College, (hereinafter jointly called the participating municipalities), County of Centre, Commonwealth of Pennsylvania, reestablishing the Regional Emergency Management program and repealing and superseding the Joint Articles of Agreement for the Regional Emergency Management Program dated May 30, 2002.

WHEREAS, The Commonwealth of Pennsylvania has adopted an Emergency Management Services Code, Title 35, (hereinafter referred to as Title 35) that identifies the responsibilities of municipal governments and other political subdivisions as they relate to emergency management; and,

WHEREAS, Title 35 authorizes municipal governments to establish joint emergency management programs including but not limited to preparing and maintaining emergency management plans, establishing emergency operations centers, and recommending the appointment of a local emergency management coordinator; and,

WHEREAS, the participating municipalities adopted Articles of Agreement on December 2, 1969, (subsequently amended on October 23, 1989) to establish and provide for the organization of the Centre Region Council of Governments (hereinafter referred to as Centre Region COG) including the identification of General Forum as the COG's policy making body and the positions of Chair and Vice Chair; and,

WHEREAS, the Centre Region COG was established by the participating municipalities to provide joint and cooperative public services; and,

WHEREAS, the participating municipalities agree that the interest of the respective taxpayers is most effectively and efficiently served by the establishment of cooperative and coordinated regional response to natural and human made disasters or acts of terrorism rather than through individual municipal emergency management efforts; and

WHEREAS, the participating municipalities desire to perform all municipal responsibilities under Title 35 through the Centre Region COG; and,

WHEREAS, since 1989 the participating municipalities have adopted a regional emergency management plan, shared an emergency management coordinator, and maintained a single emergency management center; and,

WHEREAS, the participating municipalities desire to revise the Joint Articles of Agreement for the Regional Emergency Management Program, adopted May 30, 2002 as to designate the participating municipalities for the purposes of emergency management as a single political subdivision;

NOW THEREFORE, in consideration of the mutual promises, covenants and undertakings herein contained and intending to be legally bound hereby, the participating municipalities mutually agree as follows:

SECTION I: ESTABLISHMENT OF JOINT EMERGENCY MANAGEMENT PROGRAM

1.1 Each participating municipality has passed an ordinance in accordance with the requirements of the *Intergovernmental Cooperation Act* of July 12, 1972, Title 53, Pa. C.S.A. Section 481 et seq. so as to give full force and legal effort to this Agreement.

1.2 Each participating municipality hereby delegates the municipal responsibilities and functions contained in Title 35 to the Centre Region COG.

SECTION 2: DECLARATIONS OF EMERGENCY

The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of the Centre Region Emergency Management Plan and any other applicable plans and to authorize the furnishing of aid and assistance there under.

2.1 The Chair of the Centre Region COG General Forum or in his /her absence or incapacity the COG Vice Chair is hereby authorized to declare a Local Emergency or Disaster Emergency. In the absence or incapacity of both the COG Chair and Vice Chair, a member of the COG Executive Committee is hereby authorized to declare a Local Emergency or Disaster Emergency.

2.2 The General Forum, as governing body, shall ratify by majority unit vote (unit vote = one vote per participating municipality) the Local Emergency or Disaster Emergency Declaration within seven (7) calendar days. The declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the General Forum.

SECTION 3: EMERGENCY MANAGEMENT COUNCIL

3.1 Each participating municipality shall assign its Municipal Manager to serve as a member of the Centre Region Emergency Management Council, which shall be responsible for the development and maintenance of a comprehensive all-hazards risk-based emergency management program to include emergency operations within the territorial limits of the participating municipalities. In addition, the COG Executive Director and a representative of The Pennsylvania State University shall be voting members of the Centre Region Emergency Management Council.

3.2 The Centre Region Emergency Management Council will recommend to the General Forum of the Centre Region COG an individual to serve as the Centre Region Emergency Management Coordinator with responsibility for operational control of emergency response operations within territorial limits of the participating municipalities.

3.3 The Centre Region Emergency Management Council will recommend an individual to the General Forum to serve as Deputy Coordinator of Emergency Management.

3.4 The Centre Region Emergency Management Council shall establish appropriate accounting procedures in order to ensure all Emergency Management Contingency Fund allocations and reimbursements are made promptly and properly with full accountability.

#### SECTION 4: EMERGENCY MANAGEMENT COORDINATOR

In accordance with Title 35 the Governor of the Commonwealth of Pennsylvania is authorized to appoint the local emergency management coordinator upon the recommendation of the applicable municipality(ities).

4.1. Each participating municipality authorizes the General Forum of the Centre Region COG to recommend to the Governor a single individual for appointment as the Centre Region Emergency Management Coordinator.

4.2 The Centre Region Emergency Management Coordinator or in his /her absence or incapacity the Deputy Emergency Management Coordinator or in the absence or incapacity of both, the COG Executive Director are hereby authorized to activate the Centre Region Emergency Operations Center.

4.3 The Centre Region Emergency Management Coordinator shall be responsible for all duties identified under Title 35 to perform for the local coordinator including but not limited to: preparing and maintaining the Centre Region Emergency Operations Plan and other supporting documents; activating and staffing the emergency operations center; identifying and providing for the opening and operations of emergency shelters; developing, training, and maintaining the Emergency Operations staff; directing operations during emergency situations; coordinating all locally available emergency resources; initiating, planning and coordinating mitigation activities to reduce loss of life and property; coordinating and assisting with recovery operation after disasters; and, performing other duties as may be assigned by the Centre Region COG.

4.4 The Centre Region Emergency Management Coordinator will consult with the Centre Region Emergency Management Council during an emergency or declared disaster.

4.5 The Centre Region Emergency Management Coordinator shall file all applications for reimbursements on behalf of the Emergency Management Council for monies expended during a declared emergency. Such reimbursements are to be paid directly to the Emergency Management Contingency Fund. See also Section 3.4.

#### SECTION 5: DEPUTY COORDINATOR

5.1 The General Forum of the Centre Region COG may appoint a Deputy Local Emergency Management Coordinator for the participating municipalities.

5.2 The Deputy Coordinator will assist the Coordinator with prevention, preparation, response, recovery and mitigation, and other emergency management activities as necessary. In the absence or incapacity of the Local Coordinator, the Deputy Coordinator is responsible for operational control of emergency response operations and performing those responsibilities as identified in Section 4.3 of this agreement.

#### SECTION 6: EMERGENCY OPERATIONS CENTER

6.1 The General Forum of the Centre Region COG may authorize the Emergency Management Council to establish, equip and staff an emergency operations center in accordance with annual COG budget.

6.2 The Centre Region Emergency Coordinator is authorized to activate the emergency operations center.

#### SECTION 7: CONTRACTING SERVICES

7.1 The Centre Region COG is hereby authorized to contract with The Pennsylvania State University or another organization for the purpose of having a University employee (or employee of another organization) serve as the Centre Region Emergency Management Coordinator. This contract may provide for staff support and services relating to the Emergency Management Program.

#### SECTION 8: FINANCIAL SUPPORT

8.1 Each participating municipality shall appropriate financial support for the maintenance and implementation of the Emergency Management Program through the annual budget of the Centre Region COG.

8.2 Emergency Management Program costs shall be assigned to the participating municipalities according to a formula identified in the Centre Region COG's annual budget and approved by the General Forum.

8.3 The Centre Region COG is hereby authorized to act as the agent for the participating municipalities for the purpose of paying the expenses of maintaining and implementing the Emergency Operations Plan.

8.4 During a declared emergency, and in accordance with the Emergency Operations Plan, each participating municipality agrees to supply, as they are available, the resources and personnel necessary to operate the emergency operations center and implement the Emergency Operations Plan as required by the Title 35.

8.5 The participating municipalities may authorize in a separate agreement the Centre Region COG to apply for grants and reimbursement of funds expended.

8.6 During a declared emergency when there is an imminent threat to human life, the Emergency Management Coordinator is authorized to expend any funds necessary to meet the needs of the situation.

8.7 The participating municipalities shall collectively establish and maintain a \$100,000 inflation-adjusted Emergency Management Contingency Fund within the annual Centre Region COG budget.

A. Payments to the Emergency Management Contingency Fund:

- 1.) The participating municipalities shall contribute the following total amounts, with municipal shares determined in accordance with the COG funding formula in affect for that year:

<u>Year</u>	<u>Amount</u>
2007	\$25,000
2008	\$25,000
2009	\$25,000
2010	\$25,000

- 2.) For 2011 and beyond, the municipalities shall contribute sufficient funds to maintain the total amount of the fund at the prior year's balance plus an increase determined by the annual percentage change in the Consumer Price Index. Any interest earned on the fund will be applied to this annual adjustment amount prior to the calculation of the individual municipal contributions for any given year.
- 3.) The funds expended from the Emergency Management Contingency Fund, less any federal or state reimbursement, shall be reimbursed within three years of the event by the participating municipalities in accordance with the COG formula as part of the COG budget process.

B. Expenditures from the Contingency Fund (See also Section 8.6)

- 1.) During a declared emergency when there is **not** an imminent threat to human life, the Emergency Management Coordinator is authorized to expend up to \$100,000 or the amount available in the fund, whichever is larger, from the Emergency Management Contingency Fund without the approval of the Emergency Management Council.
- 2.) During a declared emergency when there is **not** an imminent threat to human life, expenditures beyond \$100,000 shall require the approval of the Emergency Management Council.

SECTION 9: DISSOLUTION OF PROGRAM

9.1 Each participating municipality agrees that in the event of the dissolution of the Centre Region Emergency Management Program all property, equipment, and assets of any kind

belonging to the Centre Region Emergency Management Program shall be disposed of as prescribed in the Centre Region COG Articles of Agreement.

SECTION 10:           WITHDRAWAL

10.1 Each municipality shall be a member of the Centre Region Emergency Management Program for a term of at least three years beginning January 1, 2007. At the end of this period of time, any participating municipality may withdraw from the Program at the end of any calendar year after: a) providing twelve months written notice to the Chair and Executive Director of the Centre Region COG. This notice shall be in the form of an ordinance approved by the municipal governing body. Withdrawal will in no way serve to void or lessen any previous financial obligations incurred by that participating municipality. At the time of withdrawal, no credit will be given or payments refunded for any expenditure made by the participating municipality. Withdrawal from the Emergency Management Program will not affect membership in the Centre Region COG; and, this agreement, however, shall continue to exist among the remaining municipalities.

SECTION 11:           ADMISSION

11.1 Additional municipalities may become parties to this Agreement upon acceptance and execution of this Agreement by municipal ordinance; and, unanimous approval of the municipal governing bodies already a party to this agreement. For the purposes of this section the approval of the participating municipalities shall be in the form of a resolution. In addition, the General Forum may assign other conditions at the time the request is made.

SECTION 12:           EFFECTIVE DATE

12.1 This Agreement shall become effective for each municipality when that municipality, by ordinance of its governing body, adopts and approves this Agreement, and authorizes the proper municipal official to execute the same.

TOWNSHIP OF COLLEGE

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chair, Township Council

TOWNSHIP OF FERGUSON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chair, Board of Supervisors

TOWNSHIP OF HALFMOON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chair, Board of Supervisors

TOWNSHIP OF HARRIS

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chair, Board of Supervisors

TOWNSHIP OF PATTON

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
Chair, Board of Supervisors

BOROUGH OF STATE COLLEGE

Attest: \_\_\_\_\_

By: \_\_\_\_\_  
President, Borough Council

APPROVED BY MUNICIPALITIES AS FOLLOWS:

<u>Municipality</u>	<u>Date</u>	<u>Ordinance Number</u>
Township of College	_____	_____
Township of Ferguson	_____	_____
Township of Halfmoon	_____	_____
Township of Harris	_____	_____
Township of Patton	_____	_____
Borough of State College	_____	_____