

**ORDINANCE No. 1002**

**AN ORDINANCE AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN FOR THE PROVISION OF POLICE SERVICES WITHIN THE BOROUGH OF DEMAREST.**

WHEREAS, the Borough of Demarest, a municipal corporation of the State of New Jersey, was formed by an act of the New Jersey State Legislature on April 8, 1903 and continued in existence under the Borough form of government as currently set forth in N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, in accordance with law, the Borough established a police force as an executive and enforcement function of its municipal government. That force has served the Borough with honor and efficiency for many years. Unfortunately, the continually increasing costs of local government have made the maintenance of the current level of police services fiscally untenable for the Borough without significantly increasing the burden on the municipality's taxpayers; and

WHEREAS, to maintain the level of police services currently provided to the taxpayers of the Borough of Demarest, the governing body has been forced to consider the use of shared services, encouraged by our State Legislature and authorized by the Uniform Shared Services and Consolidation Act., N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, in furtherance of this approach, the Borough's officials have negotiated extensively with the County of Bergen (the "County") regarding the County's proposal to assume the police function within the territorial boundaries of the Borough of Demarest through the Bergen County Police Department, to absorb the membership of the Demarest Police Department into the Bergen County Police Department, and to use those personnel to provide a level of police services equal to or better than that currently provided by the Borough's police department; and

WHEREAS, critical to the analysis during these last 8 months by both the Borough and the County has been a determination of the cost and tax savings not only for Demarest but the County Taxpayers as well, since the Borough taxpayers also pay County taxes;

WHEREAS, that tax savings analysis has determined that both the Demarest Taxpayers and the Bergen County Taxpayers will achieve cost savings, which will result in taxpayer savings for both Demarest and Bergen County;

WHEREAS, after extensive negotiation, the representatives of the Borough and the County have agreed to the terms and conditions under which the County will provide police services within the Borough of Demarest, and memorialized those terms in a written agreement in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., a copy of which is annexed hereto as EXHIBIT A (referred to herein as the "Shared Services Agreement"); and

WHEREAS, as part of the Shared Services Agreement, the County will be leasing the Demarest Police Headquarters from the Borough of Demarest upon terms set forth in a written Lease Agreement annexed as Exhibit B to the Shared Services Agreement; and

WHEREAS, by Ordinance No. 1001, the Borough authorized the designation of the Bergen County Police Department as an enforcing agency of the Borough of Demarest and authorizes the Bergen County Police Department to carry out the Borough's police function, and, once the Bergen County Police Department has assumed the role of provider of police services within the Borough, dissolves the Borough's police department, all subject to the execution and implementation of the Shared Services Agreement; and

WHEREAS, entry into a shared services agreement between the Borough of Demarest and the County of Bergen, whereby the County of Bergen would assume the police function in the Borough of Demarest is in the best interests of the Borough's residents and taxpayers; and

WHEREAS, the Uniform Shared Services and Consolidation Act provides at N.J.S.A. 40A:65-5 that local units may enter into shared services agreements through the adoption of resolutions, identifying the agreement by reference; and

WHEREAS, N.J.S.A. 40A:65-8 creates some ambiguity regarding whether a shared services agreement for police services must be approved by resolution or ordinance. Therefore, in addition to this ordinance, the Borough adopted a resolution on December 20, 2012, authorizing the entry into the Shared Services Agreement and execution of same by the Mayor of the Borough of Demarest,

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Demarest, within the County of Bergen and State of New Jersey, as follows:

**Section 1. Shared Services Agreement Authorized.**

- A. The recitals set forth above are hereby incorporated into the body of this Ordinance.
- B. Ordinance No. 1001, providing inter alia for the dissolution of the Borough's Police Department and assumption of the police function by the Bergen County Police Department, is hereby ratified and affirmed.
- C. The governing body of the Borough of Demarest hereby approves the Shared Services Agreement, annexed hereto as EXHIBIT A, including, but not limited to, the written Lease Agreement annexed as Exhibit B to the Shared Services Agreement.
- D. The mayor is authorized and directed to sign the Shared Services Agreement.
- E. A copy of the Shared Services Agreement shall be kept on file by the Borough Clerk and available for public inspection.

- F. A copy of this Ordinance, along with the Shared Services Agreement authorized thereby shall be forwarded immediately to the Chairman of the Bergen County Board of Chosen Freeholders, the Bergen County Executive, the Bergen County Administrator, and the Chief of the Bergen County Police Department.

**Section 2. Severability and Repealer.**

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

**Section 3. Effective Date.**

This Ordinance shall take effect upon passage and publication in accordance with law.