

RESOLUTION NO. 2018 – 01

A RESOLUTION OF THE GOVERNING BOARD OF PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA ESTABLISHING THE PENN FIRE PROTECTION TERRITORY AND CREATING THE PENN FIRE PROTECTION TERRITORY GENERAL FUND AND PENN FIRE PROTECTION TERRITORY EQUIPMENT REPLACEMENT FUND

WHEREAS, pursuant to Ind. Code 36-8-19, et seq., the Indiana General Assembly has authorized units of local government within the State of Indiana to establish fire protection territories;

WHEREAS, simultaneously with the adoption of this Resolution, the Town of Osceola, Indiana ("Town") and Penn Township, St. Joseph County, Indiana ("Township"), as contiguous units, desire to enter into an Interlocal Cooperation Agreement for the establishment of the Penn Fire Protection Territory, a true and accurate copy of which is attached hereto as Exhibit A and is incorporated herein and made a part hereof;

WHEREAS, the Interlocal Cooperation Agreement between the Town and Township provides for a uniform tax rate upon all taxable property within the boundaries of the Penn Fire Protection Territory for fire protection services;

WHEREAS, the Governing Board of the Township convened public hearings pursuant to the requirements of Ind. Code 36-8-19-6 on January 15, 2018, February 5, 2018, and March 21, 2018, to discuss the establishment of the Penn Fire Protection Territory;

WHEREAS, the date, time, and location of the aforementioned public hearings, as well as the information listed in Ind. Code 36-8-19-6(c), were duly and adequately noticed and advertised pursuant to Indiana law;

WHEREAS, the Town and Township have determined that the establishment of the Penn Fire Protection Territory is necessary in order to protect the health, safety and welfare of the citizens of the Town and Township.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of Penn Township, St. Joseph County, Indiana, as follows:

SECTION 1. Penn Township is authorized to become a party to the Interlocal Cooperation Agreement for the establishment of the Penn Fire Protection Territory, and the Penn Fire Protection Territory is hereby created under the terms and conditions set forth in the Interlocal Cooperation Agreement between the Town and the Township, a true and accurate copy of which is attached hereto as Exhibit A and is incorporated herein in conformance with the requirement of Indiana law.

SECTION 2. The boundaries of the Penn Fire Protection Territory shall include all of the unincorporated areas within Penn Township as well as the incorporated boundaries of the Town of Osceola.

SECTION 3. That the Township is authorized to be the Provider Unit in the Penn Fire Protection Territory as that term is defined in I.C. 36-8-19-3

SECTION 4. That the Town and Township are both authorized to be Participating Units in the Penn Fire Protections Territory as that term is defined in I.C. 36-8-19-2

SECTION 5. That the Town and Township shall adopt and impose a uniform tax rate upon all taxable property within the boundaries of the Penn Fire Protection Territory for fire protection services to fund the Penn Fire Protection Territory General Fund and Penn Fire Protection Territory Equipment Replacement Fund as created herein.

SECTION 6. Consistent with the terms of the Interlocal Cooperation Agreement, the Township Board of the Township has created the Penn Fire Protection Territory General Fund and Penn Fire Protection Territory Equipment Replacement Fund. The Penn Fire Protection Territory General Fund shall be used for all expenses for operating and maintaining fire protection services within the Territory as provided in I.C. 36-8-19-8. The Penn Fire Protection Territory Equipment Replacement Fund shall be used to purchase fire protection equipment used to the serve the entire Territory as provided in I.C. 36-8-19-8.5.

SECTION 7. The Trustee of Penn Township, St. Joseph County, Indiana is hereby authorized and directed to take any and all actions incidental to the establishment of the Penn Fire Protection Territory as set forth in the Interlocal Cooperation Agreement, subject to the approval of the Township Board and Common Council of the Town or as may be otherwise required by law.

SECTION 8. If any portion of this Resolution shall be held invalid or unconstitutional by any court or competent jurisdiction, such decision shall not affect any other portion or provision of this Resolution.

SECTION 9. All resolutions or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the resolutions or parts of resolutions are hereby ratified, re-established and confirmed.

SECTION 10. Pursuant to Ind. Code 36-8-19-6(e), this Resolution shall be in full force and effect from and after July 1, 2018.

The above Resolution of the Governing Board of Penn Township, St. Joseph County, Indiana, was approved, passed, and signed by the following Board members at a properly noticed and duly held public meeting,

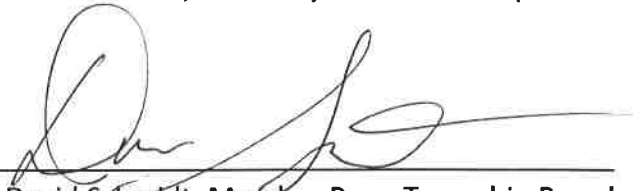
Signed and dated this 21 day of March, 2018.



Kent Hizer, President Penn Township Board



Matt Lentsch, Secretary Penn Township Board



David Schmidt, Member Penn Township Board

ATTEST:



Doris J. Portolese, Trustee Penn Township