RESOLUTION No. 2012-08

City **of Coatesville**
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, APPROVING A CONTRACT WITH A CERTAIN ELECTED CONSTABLE SERVING THE CITY OF COATESVILLE AUTHORIZING HIM OR HER (AND DEPUTY) TO SERVE WARRANTS IN CODE AND ORDINANCE ENFORCEMENT MATTERS FOR THE CITY PURSUANT TO TERMS IN THE CONTRACT SUBSTANTIALLY IN THE FORM ATTACHED HERETO AS EXHIBIT "A"

WHEREAS, The City of Coatesville is third class city governed by the City Code and is a municipality in the Commonwealth of Pennsylvania, County of Chester with a business office of 1 City Hall Place Coatesville, PA 19320 (hereinafter the "City") and,

WHEREAS, the City has enacted various codes and ordinances governing and regulating the conduct of its citizens which provide in many instances that non-compliance with such codes, ordinances and regulations results in enforcement proceedings by citation for such municipal code violations; and,

WHEREAS, the President Judge of the Court of Common Pleas of Chester County, James P. MacElree, II, by Order executed and recorded on the 9th of February 2011 and identified as "Administrative Regulation No. 5-2011" has by such order and regulation required that any warrant for a municipal ordinance violation, including a parking violation, shall be issued by a Magisterial District Judge ("MDJ") only to the police department in the municipality where the violation allegedly occurred and that no such warrant shall be issued to any constable by the court or any court-related agency; and,

WHEREAS, Administrative Regulation No. 5-2011 also notes that the restriction upon the issuance of warrants to the police department does not preclude the municipality from contracting directly with a constable for service of the warrant "in which event the constable may be paid a fee by the municipality or the defendant"; and,

WHEREAS, The Coatesville City Police Department is not bonded and not capable of serving warrants for municipal code and ordinance violations issued by the City (although it is able to assist in the issuance of a warrant), and the inability of the City to serve warrants has hampered the administration of the City's Municipal Codes and also the funds generated thereby needed by the City; and

WHEREAS, the City has elected Constables, , who is qualified (together with her deputy constable ( )) to provide the needed constable services pursuant to the fee schedule provided by the County for such work, a fee schedule which is uniform and used throughout the County and for which reimbursement will be sought; and

WHEREAS, The City wishes to enter into a contract for constable services providing protections to the City including, among other protections, Law Enforcement insurance coverage in the minimum amounts of $250,000.00 per person, $500,00.00 for wrongful acts and $500,000.00 for Annual Aggregate with the City listed as a Certificate Holder and additional insured -- as well as such other insurance as is required in amounts reasonably needed to protect the City as determined by the City Solicitor and the City's insurance consultants.

NOW THEREFORE, in Consideration of the forgoing, IT IS HEREBY RESOLVED THAT THE CITY approves the execution of the Employment Contract with (and deputy) in substantially the form attached hereto as Exhibit "A", effective upon execution and proof of all required insurance, adopted and enacted this 12th day of March 2012.

Edward Simpson
Title: President, City Council

ATTEST:

Name: Gary P. Rawlings
Title: City Manager