

**ORDINANCE NO. 02-2013**

**AN ORDINANCE AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF BERKS TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND THE COUNTY OF BERKS FOR THE PURPOSE OF PROVIDING PROGRAMMING AND FULL CUSTODY RESIDENTIAL SERVICES TO TECHNICAL PAROLE VIOLATORS UNDER THE JURISDICTION OF THE COMMONWEALTH OF PENNSYLVANIA**

**WHEREAS**, the Act of July 5, 2012, P.L. 1050, No. 122, authorizes the transport and recommitment to a state correctional institution or contracted county institution of a parolee under the jurisdiction of the Board, if the offender commits a technical violation of the terms and conditions of his or her parole, and if that violation is found to be enumerated within five enumerated conditions; and

**WHEREAS**, the County operates a full custody correctional center; and

**WHEREAS**, the County desires to partner with the Department and the Board in implementing programs as described above for offenders under the jurisdiction of the Commonwealth.

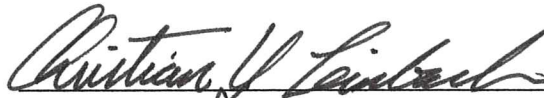
**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Commissioners of the County of Berks, Pennsylvania as follows:

1. The Title and Background of this Ordinance set forth above are incorporated herein by reference.
2. The Board of Commissioners of the County of Berks ("Commissioners") hereby approve entering into the Agreement, a copy of which is attached hereto and incorporate herein as Attached A (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the County of Berks ("County") shall be bound by the Agreement.
3. The Commissioners are hereby authorized and directed on behalf of the County: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including acceptance of payment as may be due the County to administer the terms of the Agreement.
4. All actions of any officer, agent or other representative of the Commonwealth and County heretofore taken in the pursuit of the establishment of the Intergovernmental Agreement is hereby ratified and approved in all respects.

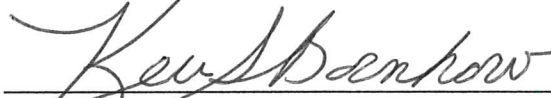
5. The Commissioners are hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.
6. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.
7. This Ordinance shall become effective as provided by applicable law.

ENACTED AND ORDAINED this 7<sup>th</sup> day of NOVEMBER, 2013.

COUNTY OF BERKS

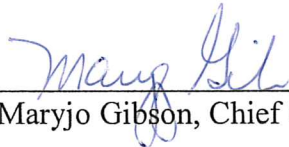


Christian Y. Leinbach, Chair



Kevin S. Barnhardt, Commissioner

Attest:



Maryjo Gibson, Chief Clerk



Mark C. Scott, Esq., Commissioner

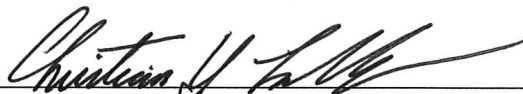
**EXHIBIT A**

RESOLUTION NO. 59-17

BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Berks County Board of Commissioners hereby authorizes Christian Y. Leinbach, Chair, to execute the letter dated January 29, 2017 from the Pennsylvania Department of Corrections to Berks County and Pennsylvania Board of Probation and Parole extending the Intergovernmental Agreement between the Commonwealth of Pennsylvania and the County of Berks an additional two (2) year period expiring January 29, 2019. This Agreement provides programming and full custody residential services to technical parole violators.

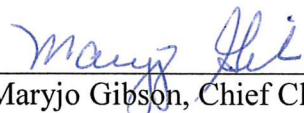
ADOPTED THIS 16th DAY OF FEBRUARY, 2017.

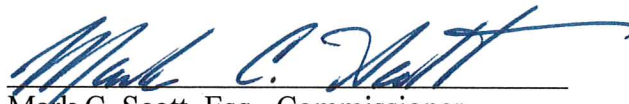
COUNTY OF BERKS

  
\_\_\_\_\_  
Christian Y. Leinbach, Chair

  
\_\_\_\_\_  
Kevin S. Barnhardt, Commissioner

Attest:

  
\_\_\_\_\_  
Maryjo Gibson, Chief Clerk

  
\_\_\_\_\_  
Mark C. Scott, Esq., Commissioner



January 29, 2017

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Berks County  
Warden  
Berks County Jail  
1287 County Welfare Road  
Leesport, PA 19533

Pennsylvania Board of Probation and Parole  
Director  
Office of Reentry & Quality Assurance  
1101 South Front Street  
Suite 5400  
Harrisburg, PA 17104

Re: **Intergovernmental Agreement between the Commonwealth of Pennsylvania and the County of Berks**

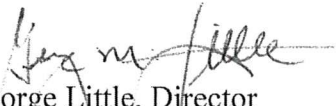
Dear Berks County and the Pennsylvania Board of Probation and Parole,

The Pennsylvania Department of Corrections ("DOC") would like to extend the duration of the Intergovernmental Agreement AGR-13-347 ("Agreement"), made between the DOC, the Pennsylvania Board of Probation and Parole, and the County of Berks. The Agreement provides terms under which the County of Berks agrees to provide programming and full custody residential services to technical parole violators ("TPV"). Pursuant to section 2, subsection (A), the Agreement may be extended, upon mutual agreement of the parties, for an additional two (2) year period thereby creating a new end date of January 29, 2019.

If you agree to extend the Agreement for an additional two (2) year period, please have the appropriate person with signatory authority sign on the line provided below.

If you have any questions in regards to this request, you may contact Luis Resto, Deputy Director of Programs and Administration, at 717-728-4068 or [lresto@pa.gov](mailto:lresto@pa.gov).

Sincerely Yours,

  
George Little, Director  
Bureau of Community Corrections


Agreement #: AGR-13-347

**Berks County**

  
Signature

Chair  
\_\_\_\_\_  
Signatory's Title (Please print)

2/16/2017  
Date

Attest:   
Chief Clerk

**Pennsylvania Board of Probation and Parole**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signatory's Title (Please print)