

Ordinance No. 132

An ordinance amending the Intergovernmental Agreement of cooperation which established the Eastern Schuylkill Recreation Commission acted December 17, 1996, to provide the membership of Rush Township.

This Ordinance, made this 18th Day of March, 1998.

Whereas, Rush Township, Schuylkill Township, Tamaqua Borough, Walker Township and West Penn Township previously entered into an agreement providing for the joint administration of park and recreation programs throughout their respective municipalities through the creation of a joint Commission known as "Eastern Schuylkill Recreation Commission"; and

Whereas, such agreement is authorized by the Intergovernmental Cooperation Law P.L. 762, No. 180; 53 P.S. Section 481; and

Whereas, said act provides that any joint cooperation agreement shall be deemed to be in force as to any municipality, or school district, when the same has been adopted by ordinance by all parties involved; and

Whereas, Rush Township now desires to enter into said agreement for the purpose of joining with the cooperating municipalities and therefore participating in the "Eastern Schuylkill Recreation Commission."

Now, therefore be it enacted and ordained by Rush Township, Schuylkill County, Pennsylvania, as follows:

SECTION 1. Amendment No. 1 to the Intergovernmental Agreement of Cooperation establishing the Eastern Schuylkill Recreation Commission is hereby approved as attached and made a part of this ordinance.

SECTION 2. The Chairman of the Board of Supervisors and Secretary of Rush Township are hereby directed to execute the amendment on behalf of the Township.

SECTION 3. Any ordinance or part of this ordinance in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effective at the earliest date permitted by law.

Ordained and enacted by the Board of Supervisors of Rush Township, Schuylkill County, Pennsylvania.

ATTEST

Carol Ann Opet

By:

George Pinkney

Amendment No. 1 to intergovernmental agreement

To the Intergovernmental Agreement of Cooperation dated 17 December, 1996 between Schuylkill Township, Walker Township, West Penn Township and the Borough of Tamaqua establishing a joint Recreation Commission known as the Eastern Schuylkill Recreation Commission.

WHEREAS, the Board of Supervisors of Rush Township, Schuylkill County, acting on their authority to provide for recreation services in their Township in the best interest of the residents of the Township desires to become a participant in the Eastern Schuylkill Recreation Commission with all ensuing rights and responsibilities under the agreement of cooperation dated December 17, 1996;

WHEREAS, The municipalities that are currently Participants of the Commission and original parties to the Agreement of Cooperation desire to have Rush Township as a Participant in the Eastern Schuylkill Recreation Commission; and,

WHEREAS, in order to provide Rush Township with the opportunity to participate in the Commission with all the rights and responsibilities of the original members of the Commission, certain changes need to be made to the Agreement of Cooperation.

NOW, THEREFORE IT IS HEREBY AGREED by and between Rush Township, Schuylkill Township, Walker Township, West Penn Township and the Borough of Tamaqua as follows:

1. The preamble to the Agreement listing the municipalities that are party to the Agreement is hereby amended to add Rush Township to add to the following language:

Rush Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Rush Township"

2. Section 2. (b) Representation is hereby amended to read:

(b) Representation. The Commission shall consist of twelve (12) members,...

3. Section 2. (b) Representation, is hereby further amended to add new paragraphs (6 & 7) as follows:

(6) The Rush Township Supervisors shall appoint two (2) members of the Commission, one (1) of whom shall be an elected member of the Board of Supervisors. The Rush Township Supervisors shall also appoint one (1) member who shall be a resident of Rush Township and not an employee of the Commission or any of the participants. Members shall serve for a term of three (3) years,

expiring on December 31, except that the original appointments shall be on a staggered basis as follows: one (1) member for two (2) years, one (1) member for three (3) years. Such members may be re-appointed a member of the Commission. Such members may be removed from office at any time by the Commission for cause or at any time without cause by the Rush Township Supervisors.

- (7) The Tamaqua YMCA, a branch of the Reading and Berks YMCA, shall appoint one (1) member of the Commission. The appointed member shall be a member of the YMCA Board or an employee. The appointed member shall serve as a member of the Commission for a term of three (3) years, expiring on December 31. Such member may be reappointed as a member of the Commission. Such member may be removed from office at any time by the Commission for cause or at any time without cause by the YMCA.

4. Section 3. (d) (3) Quorum, is amended to read as follows:

- (3) Quorum. Five (5) representatives of the Participants shall constitute a quorum, however official actions shall require a majority vote of all participants.

5. Section 5. (a) is hereby amended to add the following item (5):

(5) Rush Township: \$2000.00

6. This amendment No. 1 is made in accordance with section 7 of the original Intergovernmental Agreement of Cooperation dated December 17, 1996, and shall duly approved by and signed on behalf of each of the Participants.

7. The Participants agree to take all action necessary to carry forth the provisions of this Amendment. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 18th Day of March, 1998

Attest:

Carol Ann Opet

Attest:

Attest:

Rush Township

By: George A. Pirkey

Schuylkill Township

By: _____

Walker Township

By: _____

Attest:

Attest:

West Penn Township

By: _____

Borough of Tamaqua

By: _____