

**An ordinance amending the Intergovernmental Agreement of Cooperation which established the Eastern Schuylkill Recreation Commission, enacted December 17, 1996, to provide the membership of the Tamaqua Area School District.**

**This Ordinance**, made this 8<sup>th</sup> Day of March, 1999.

**Whereas**, Rush Township, Schuylkill Township, Walker Township, West Penn Township and Tamaqua Borough 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 committee to be known as "Eastern Schuylkill Recreation Commission" ("ESRC"); 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 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**, the Tamaqua Area School District 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 the Board os Supervisors of Rush Township, Schuylkill County, Pennsylvania, as follows:

SECTION 1. Amendment No. 2 to the Intergovernmental Agreement of Cooperation establishing the Eastern Schuylkill Recreation Commission is hereby approved as attached and made part of this ordinance.

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

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 Any ordinance or part of this ordinance in conflict with this ordinance is hereby repealed.

SECTION 4. Any future amendment to this ordinance may be approved as a resolution to this ordinance.

SECTION 5. This ordinance shall become effective at the earliest date permitted by law.

**Ordained and enacted** by the Supervisors of Rush Township, Schuylkill County, Pennsylvania on the 8<sup>th</sup> Day of March 1999.

ATTEST:

Tamaqua Area School District

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Amendment No. 2 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, and amended to include Rush Township and the YMCA, dated 18, March, 1998, establishing a joint Recreation Commission known as the Eastern Schuylkill Recreation Commission.

**WHEREAS**, the Board of Directors of the Tamaqua Area School District, Schuylkill County, acting on their authority to provide for recreation services in their School District in the best interest of the residents of the School District 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 the Tamaqua Area School District as a Participant in the Eastern Schuylkill Recreation Commission; and,

**WHEREAS**, in order to provide the Tamaqua Area School District 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, the Borough of Tamaqua and the Tamaqua Area School District as follows:

1. The preamble to the Agreement listing the municipalities that are party to the Agreement is hereby amended to add the Tamaqua Area School District to add to the following language:

The Tamaqua Area School District

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

(b) Representation. The Commission shall consist of thirteen (13) members,...

3. Section 2. (b) Representation, is hereby further amended to add new paragraph (8) as follows:

(8) The Tamaqua Area School District board of Directors shall appoint two (2) members of the Commission, one (1) of whom shall be an elected member of the board of Directors. The Tamaqua Area School District shall also appoint one (1) member who shall be an employee of the School District and not an employee of the Commission. Member shall serve for a term of three (3) years, expiring of

December 31, except that the original appointment shall be on a staggered basis as follows: one (1) member for two 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 at any time without cause by the Tamaqua Area School District School Board.

4. Section 2. (c) Voting, is hereby further amended to change paragraph as follows:

(c) Voting. Each participant shall have one (1) vote. In the case of a tie, the YMCA's representative shall have one (1) vote.

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

(3) Quorum. Five (6) representatives of the Participants shall constitute a quorum, however official actions shall require a majority vote of all participants.

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

(6) Tamaqua Area School District: \$2500.00

7. Section 7. Amendment is amended to read as follows:

7. **Amendment**

This agreement shall not be amended or altered except by writing duly approved by and signed on behalf of the participants, through resolution.

8. This amendment No. 2 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.

9. 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 \_\_\_\_\_ Day of \_\_\_\_\_, 1999.

Attest:

\_\_\_\_\_

Rush Township

By: George A. Pintey

Attest:

\_\_\_\_\_

Schuylkill Township

By: \_\_\_\_\_

Attest:

Walker Township

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Attest:

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Attest:

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Attest:

\_\_\_\_\_

By: \_\_\_\_\_

West Penn Township

By: \_\_\_\_\_

Borough of Tamaqua

By: \_\_\_\_\_

Tamaqua Area School District

By: \_\_\_\_\_