

**HOPEWELL TOWNSHIP**  
**Washington County**

ORDINANCE NO. 16-01

**AN ORDINANCE OF THE TOWNSHIPS OF INDEPENDENCE AND HOPEWELL, WASHINGTON COUNTY, PENNSYLVANIA, BY EACH TOWNSHIP'S BOARD OF SUPERVISORS EXECUTING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN BOTH TOWNSHIPS IN ACCORDANCE WITH THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW (53 PA.C.S. § 2301, et. seq.) TO CREATE A JOINT ADVISORY BOARD TO DELEGATE FUNCTIONS, POWERS AND RESPONSIBILITIES RELATED TO THE INDEPENDENCE TOWNSHIP COMMUNITY CENTER AND RELATED MATTERS. SAID BOARD WILL BE KNOWN AS THE "INDEPENDENCE-HOPEWELL JOINT COMMUNITY CENTER BOARD".**

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Law, Act 180 of 1972, as amended by, Act 177 of 1996, 53 Pa.C.S. § 2301, et. seq. (hereinafter the "Act"), endorses cooperative agreements for provision of public services, performance of government functions, and other government purposes by and between the municipalities of this Commonwealth; and

**WHEREAS**, the Independence Township Community Center "Community Center" located at 11 School Court, Avella, Pennsylvania, 15312 is an asset to the residents of the Avella School District area, especially those of Independence Township and Hopewell Township; and

**WHEREAS**, after careful consideration, the Board of Supervisors for Independence Township desires to enter into an Intergovernmental Cooperation Agreement with Hopewell Township to designate some of the functions, powers and responsibilities related to the management of the Community Center to a Joint Advisory Board comprised of residents appointed by the Board of Supervisors of each Township under the terms and conditions set forth in the Intergovernmental Cooperation Agreement attached hereto and incorporated herein; and

**NOW THEREFORE**, the Board hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to create a Joint Advisory Board to be established, comprised of representatives appointed by the Board of Supervisors of Independence Township and the Board of Supervisors of Hopewell Township (collectively "the

Participating Municipalities”) and shall be known as the “Independence-Hopewell Joint Community Center Board.” (the “Joint Advisory Board”) Hopewell Township and Independence Township shall be known as the “Participating Municipalities.”

## **SECTION 2. INTERGOVERNMENTAL COOPERATION AGREEMENT.**

Independence Township and Hopewell Township shall adopt and execute an Intergovernmental Cooperation Agreement in accordance with this Ordinance. Said Agreement shall further lay out the terms, conditions, authorizations, obligations, etc. of the Joint Advisory Board. Said Agreement shall be attached hereto and incorporated herein.

## **SECTION 3. MEMBERSHIP AND TERMS.**

The Joint Advisory Board shall consist of five (5) members. Each participating municipality shall appoint two (2) individuals from said municipality and one (1) additional resident of any municipality located within the Avella School District. The member from the Avella School District Area shall be appointed on an alternating basis, with the initial appointment being made by Independence Township. Membership terms shall officially begin January 1, 2017 and be set so that no more than one (1) position shall expire in a calendar year. Initial terms shall be as follows:

- Independence Township – A: 5 years
- Hopewell Township – A: 4 years
- Avella School District Area: 3 years
- Independence Township – B: 2 years
- Hopewell Township – B: 1 year

Following the initial term of appointments listed herein, each new member appointed shall serve for a term of five (5) years. A member shall continue to serve an expired term until a replacement is appointed by the appropriate municipality.

The Initial Term of this Agreement shall begin on the first Monday in January of 2017 and shall terminate on the last day of December, 2021. The Joint Advisory Board shall automatically renew after the Initial Term unless either Independence Township or Hopewell Township gives forty-five (45) days written notice to the other party of its decision to terminate its participation in the Joint Advisory Board.

## **SECTION 4. PROPERTY.**

The Independence Township Community Center located at 11 School Court, Avella, Pennsylvania, 15312 shall remain in the name of Independence Township due to restrictions on Municipality ownership of property outside of its territorial boundaries. However, all equipment and other assets of the Community Center shall be owned proportionately by the Participating Municipalities (Independence Township and Hopewell Township), unless specifically stated otherwise.

#### **SECTION 5. JOINT ADVISORY BOARD AUTHORITY.**

The Joint Advisory Board shall have the authority necessary to oversee, manage and run the day to day operations of the Community Center, including but not limited to the power to enter into contracts, set hours of operations, make employment recommendations, etc. The Joint Advisory Board shall also work to develop a plan for operation of the Community Center and shall proceed as promptly as possible to (a) review the nature and scope of the existing recreational facilities and activities in the Avella School District, (b) oversee and coordinate recreational activities and rentals of the Community Center ,(c) formulate a detailed plan as to the potential of additional recreational activities, (d) maintain the Community Center in good condition, (e) prepare an annual budget and a monthly report of the Board's activities to the Townships, (f) seek grants and other funding opportunities and (g) other activities deemed necessary.

#### **SECTION 6. ANNUAL BUDGET.**

The Participating Municipalities shall have final authority to set the annual budget of the Joint Advisory Board. The Joint Advisory Board shall prepare and submit to each Participating Municipality on or before November 1 of each year during the term of this Agreement a proposed annual budget which shall be subject to the approval of each Participating Municipality on or before January 31 of each following year.

#### **SECTION 7. OFFICERS.**

At its annual reorganizational meeting the Joint Advisory Board will appoint a Chairman, Vice Chairman, Secretary and Treasurer for a term of one (1) year and shall continue to serve until its successor has been appointed.

#### **SECTION 8. MEETINGS.**

The Joint Advisory Board shall hold an organizational meeting not later than the 31<sup>st</sup> day of January of each and every year subsequent to the initial appointment for election of officers

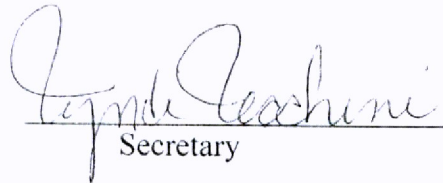
and such other business as may properly come before such meeting. The Joint Advisory Board shall meet regularly each month at a date to be selected by the Joint Advisory Board; which shall then constitute the regular meeting date, and notice of the regular meeting date assuming all meeting notice requirements of the Municipalities Planning Code (53 P.S. §10101 *et seq*) are satisfied.

**SECTION 9. REPEALER.** Any ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

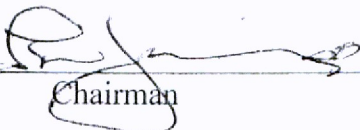
**SECTION 10. SEVERABILITY.** The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

ENACTED this 21<sup>st</sup> day of September, 2016, by the Board of Supervisors of the Township of Independence, Washington County, Pennsylvania; and shall become effective five (5) days after enactment.

ATTEST:

  
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Secretary

TOWNSHIP OF INDEPENDENCE  
WASHINGTON COUNTY, PA

By:   
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Chairman