

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. CLIV

AN ORDINANCE AUTHORIZING AND APPROVING AN AGREEMENT AMONG THE ELIZABETHTOWN AREA SCHOOL DISTRICT, BOROUGH OF ELIZABETHTOWN, TOWNSHIP OF MOUNT JOY, TOWNSHIP OF WEST DONEGAL, AND ELIZABETHTOWN AREA RECREATION COMMISSION TO COOPERATE FOR PARK AND RECREATION PURPOSES, WHICH AGREEMENT SETS FORTH APPROPRIATE AND NECESSARY COVENANTS AND AGREEMENTS OF SAID PARTIES; AUTHORIZING AND DIRECTING THAT THE AGREEMENT BE EXECUTED ON BEHALF OF THE TOWNSHIP OF MOUNT JOY; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

WHEREAS, the Elizabethtown Area School District, the Borough of Elizabethtown, the Township of Mount Joy, and the Township of West Donegal are each a "Local Government" for purposes of the Intergovernmental Cooperation Act, Subchapter A, Intergovernmental Cooperation, of Chapter 23 of the General Local Government Code, 53 Pa. C.S. §2301 et seq., regarding cooperation in governmental functions; and

WHEREAS, the Elizabethtown Area School District, the Borough of Elizabethtown, the Township of Mount Joy, the Township of West Donegal and the Elizabethtown Area Recreation Commission have reached an understanding concerning cooperation to provide park and recreation services to residents of the Borough of Elizabethtown, the Township of West Donegal, and the Township of Mount Joy; and

WHEREAS, the Board of Supervisors of the Township of Mount Joy desires to approve and execute an agreement which is appropriate for such purposes.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Township of Mount Joy (hereinafter referred to as "Mount Joy") shall enter into an agreement (hereinafter referred to as the "Agreement") with the Elizabethtown Area School District (hereinafter referred to as the "School District"), the Borough of Elizabethtown, Lancaster County, Pennsylvania (hereinafter referred to as the "Borough"), the Township of West Donegal, Lancaster County, Pennsylvania (hereinafter referred to as "West Donegal"), and the Elizabethtown Area Recreation Commission (hereinafter referred to as the "Commission") with respect to the

formation, financing, operation and dissolution of the Commission, which Agreement sets forth appropriate and necessary covenants and agreements of the respective parties thereto. The Agreement shall be substantially in the form presented at this meeting, which Agreement and the form thereof are hereby approved.

Section 2. A copy of the Agreement, in the form presented at this meeting and so approved, shall be filed with the Secretary of the Township and shall be made available for public inspection at reasonable times.

Section 3. In accordance with the Intergovernmental Cooperation Act, it is hereby specified that:

A. Condition of agreement: The conditions of the Agreement are that:

1. The School District, Borough, Mount Joy, West Donegal and Commission reaffirm all parts and provisions of the Agreement for Cooperation for Park and Recreation Purposes dated January 1, 1992 (the "1992 Agreement") among the parties except as specifically modified by the Agreement. The 1992 Agreement provides for the establishment, financing and operation of the Commission and authorizes the Commission to provide park and recreation services to residents of the School District and other persons.

2. The Agreement amends the 1992 Agreement to provide for termination of the 1992 Agreement no later than December 31, 2001.

3. The Agreement amends the 1992 Agreement relating to funding of the Commission by the Borough, Mount Joy and West Donegal. The Borough, Mount Joy and West Donegal shall contribute the sum of \$3.86 per capita in 1998. For each year thereafter beginning January 1, 1999, the amount of the per capita contribution shall be adjusted as the parties may agree or, if no agreement is reached, the contribution amount may be increased by the Commission in an amount not to exceed three (3%) percent annually without any further action by the Borough, Mount Joy, and West Donegal. In accordance with the 1992 Agreement, School District employees may perform services for the Commission and will be paid by the School District. The Commission shall reimburse the School District for all salary and benefits paid for said employees.

B. Duration: The duration of the Agreement is until the approval and execution of a new agreement to replace the 1992 Agreement or December 31, 2001, whichever occurs first.

C. Purposes and objectives: The purposes and objectives of the Agreement are to revise the 1992 Agreement and provide for a continuation and timely winding up of the affairs of the Commission if no new agreement for cooperation in providing park and recreational services is reached by the participants.

D. Financing: The Borough, Mount Joy, and West Donegal will make contributions to the Commission as set forth in Section 3.A.3 above from their respective general funds. No borrowing is anticipated by any party to the Agreement.

E. Organizational structure: The 1992 Agreement authorized the formation of the Commission which is composed of two representatives from the School District, Borough, Mount Joy and West Donegal. The Agreement provides for the continuation of the Commission and the dissolution of the Commission on December 31, 2001, if no new agreement among the parties is reached prior to that date.

F. Property acquisition and disposition: No property is contemplated to be acquired under the Agreement.

G. Policies of insurance: The Commission was empowered by the 1992 Agreement to hire employees, and the School District is to be reimbursed by the Commission for salary and benefits paid to School District employees.

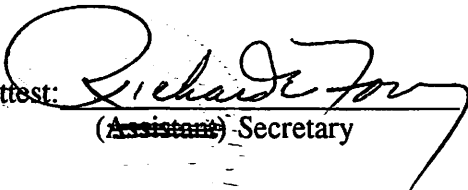
Section 4. The Chairman or Vice Chairman of the Board of Supervisors and the Secretary of the Township, as applicable, are hereby authorized and directed to execute, attest and deliver the Agreement, on behalf of the Township, in the form so approved.

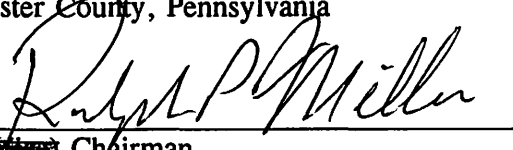
Section 5. The proper officers of the Township are hereby authorized and directed to execute all documents and perform all other acts which may be necessary and proper to implement this Ordinance and the obligations and rights of the Township under the Agreement.

Section 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 7. This Ordinance shall become effective as provided by law.

DULY ORDAINED AND ENACTED this 15TH day of JUNE, 1998, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

Attest: 
(~~Assistant~~) Secretary

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania
By: 
(~~Vice~~) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

AMENDMENT TO AGREEMENT

THIS AMENDMENT to Agreement for Cooperation for Park and Recreation Purposes made as of the ____ day of _____, 1998, by and among **ELIZABETHTOWN AREA SCHOOL DISTRICT**, a school district operating under the laws of the Commonwealth of Pennsylvania with its offices at 600 East High Street, Elizabethtown, Pennsylvania 17022, hereinafter referred to as the "School District", the **BOROUGH OF ELIZABETHTOWN**, a municipal corporation organized under the laws of the Commonwealth of Pennsylvania with its municipal offices located at 600 South Hanover Street, Elizabethtown, Pennsylvania 17022, the **TOWNSHIP OF MOUNT JOY**, a municipal corporation organized under the laws of the Commonwealth of Pennsylvania with its municipal offices located at 159 Merts Drive, Elizabethtown, Pennsylvania 17022, and the **TOWNSHIP OF WEST DONEGAL**, a municipal corporation organized under the laws of the Commonwealth of Pennsylvania with its municipal offices located at One Municipal Drive, Elizabethtown, Pennsylvania 17022, which Borough of Elizabethtown, Township of Mount Joy and Township of West Donegal are hereinafter collectively referred to as the "Participating Municipalities" and individually referred to as a "Participating Municipality", and the **ELIZABETHTOWN AREA RECREATION COMMISSION**, with its offices at 600 East High Street, Elizabethtown, Pennsylvania 17022, hereinafter referred to as the "Commission".

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, intending to the legally bound hereby, the parties agree as follows:

Section 1. The School District, the Participating Municipalities, and the Commission by this Amendment to Agreement reaffirm all parts and provisions of the Agreement for Cooperation for Park and Recreation Purposes dated January 1, 1992 (the "1992 Agreement") except as specifically modified by this Amendment to Agreement. It is the intent of the School District, the Participating Municipalities, and the Commission to provide for the continued operation of the Commission under the terms of the 1992 Agreement, as amended by this Amendment to Agreement, during the negotiation of an agreement to reorganize the Commission and provide for the possible consolidation of the Commission and the Elizabethtown Area Community Services Authority as a single entity (the "Reorganization Agreement") or until December 31, 2001, whichever occurs earlier.

Section 2. Paragraph 3.C of the 1992 Agreement shall be amended to provide as follows:

C. To fund the Commission, the Participating Municipalities shall pledge certain funds. The contributions of the Participating Municipalities shall be a per capita contribution based on each Participating Municipality's 1990 United States Census Report population for the entire geographic area of each Participating Municipality. This population figure shall be used as the basis for the calendar year 1992 contributions. For each year after 1992, the population figure for each Participating Municipality from the 1990 Census Report shall be increased by the same percentage as the increase in population for the Participating Municipality as determined by the School District census for the prior year (e.g. the 1993 population figure shall be determined by using the 1990 United States Census Report Population for the applicable Participating Municipality and increasing that number by the percentage increase in population reflected in the School District census from 1992 to 1993. Based upon this methodology, it is agreed that the 1998 population figures for the Participating Municipalities are as follows:

- (1) Borough of Elizabethtown 10,808
- (2) Township of Mount Joy 7,295
- (3) Township of West Donegal 6,950

Each Participating Municipality shall contribute the sum of \$3.86 per capita in accordance with the calculation of the population for the year 1998. For each year thereafter beginning January 1, 1999, the population figure for each Participating Municipality shall be increased in the manner set forth above, and the amount of the per capita contribution shall be adjusted as the parties to this Agreement may agree. If no agreement is reached, the per capita contribution amount may be increased by the Commission in an amount not to exceed three (3%) percent annually without any further action by the Participating Municipalities.

Section 3. Paragraph 6.A of the 1992 Agreement shall be amended to provide as follows:

A. This Agreement shall expire, and the Commission shall cease operating under the terms of this Agreement, at the earlier of: (i) Proper approval and execution by all parties of the Reorganization Agreement, such execution having been duly authorized by formal action of the governing body of each party and, to the extent required, the governing body of each party enacting an ordinance or adopting a resolution complying with all applicable provisions of the Intergovernmental Cooperation Act, 53 Pa. C.S. §2301 et seq., and all other applicable statutes; or (ii) December 31, 2001. In no event shall the Commission continue operating under this Agreement, as amended, and in no event shall any party be bound by the terms of this Agreement, as amended, after December 31, 2001. No party shall be required to give notice to any other party at any time prior to December 31, 2001, relating to withdrawal from this Agreement or the termination of this Agreement.

Section 4. All other terms and conditions of the 1992 Agreement shall remain in full force and effect.

Section 5. This Amendment to Agreement is subject to ratification and approval by the governing body of the School District and each Participating Municipality at a duly convened public

meeting in the manner required by law.

IN WITNESS WHEREOF, the parties have caused this Amendment to Agreement to be duly executed as of the date first above-written.

ELIZABETHTOWN AREA SCHOOL DISTRICT

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President

[SEAL]

BOROUGH OF ELIZABETHTOWN,
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President
Borough Council

[BOROUGH SEAL]

WEST DONEGAL TOWNSHIP
Lancaster County, Pennsylvania

Attest: C. Paully
(Assistant) Secretary

By: Peter M. [Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: Richard E. Foy
(Assistant) Secretary

By: [Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

ELIZABETHTOWN AREA RECREATION
COMMISSION

Attest: _____

By: _____