

ORDINANCE NO. 520

AN ORDINANCE

**ADOPTING, APPROVING AND AUTHORIZING THE ENTRY OF
WASHINGTON TOWNSHIP INTO THE INTERGOVERNMENTAL
COOPERATIVE IMPLEMENTATION AGREEMENT FOR
THE POTTSTOWN AREA REGIONAL RECREATION
COMMITTEE DATED JUNE, 2020, PREPARED BY THE
POTTSTOWN AREA REGIONAL RECREATION COMMITTEE**

WHEREAS, the municipalities of Douglass Township, East Coventry Township, Lower Pottsgrove Township, North Coventry Township, Upper Pottsgrove Township, West Pottsgrove Township, Washington Township and Pottstown Borough, collectively referred to as the “region,” have joined together for the purpose of mutual cooperation through regional recreation planning; and

WHEREAS, Washington Township is currently participating in the Pottstown Area Regional Recreation Committee which began as a sub-committee of the Pottstown Metropolitan Regional Planning Committee in 2012; and

WHEREAS, Washington Township seeks to continue participation in the Pottstown Area Regional Recreation Committee that manages a Regional Recreation Coordinator to support the promotion and development of regional parks and recreation facilities, services, activities, and events in the greater Pottstown area; and

WHEREAS, having recognized the growth in the Pottstown Area Regional Recreation Committee, the above-mentioned municipalities intend to create an independent organization through a document henceforth known as the “Intergovernmental Cooperative Implementation Agreement for the Pottstown Area Regional Recreation Committee”, dated November, 2022 (the “ICIA”), a copy of which is attached hereto, marked as “Exhibit “A,” and made fully part of this Ordinance; and

WHEREAS, the ICIA was written by the Pottstown Area Regional Recreation Committee to conform to the standards specified for such documents as found in Article XI of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, and 53 P.S. §10101 *et seq.*, and Chapter 23, Subchapter A (relating to intergovernmental cooperation) of the General Local Government Code, 53 Pa. C.S. §2301 *et seq.*; and

WHEREAS, the ICIA has been the subject of one or more public hearings by the Board of Commissioners of Upper Pottsgrove Township.

NOW, THEREFORE, the Board of Commissioners of Upper Pottsgrove Township, Montgomery County, Pennsylvania, hereby **ENACTS** and **ORDAINS** as follows:

SECTION 1. The agreement, entitled “Intergovernmental Cooperative Implementation Agreement for the Pottstown Area Regional Recreation Committee” and dated November, 2022, prepared by the Pottstown Area Regional Recreation Committee, a copy of which agreement is attached to, marked Exhibit “A,” and made fully part of this Ordinance, and which agreement is referred to in the preambles to this Ordinance and hereinafter as the “ICIA,” is hereby adopted and approved and the appropriate Upper Pottsgrove Township officials are hereby authorized to execute same.

SECTION 2. The Board of Commissioners of Upper Pottsgrove Township hereby agrees with the governing bodies of the above-mentioned municipalities that it shall adhere to, and be guided by, subject to the terms and conditions of the ICIA, the standards set forth in the ICIA on matters pertaining to regional recreation planning and the operation of the Pottstown Area Regional Recreation Committee.

SECTION 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of this Ordinance than the one so declared.

SECTION 4. This Ordinance shall become effectively immediately upon enactment.

ENACTED and ORDAINED this 21st day of November, 2022 by the Board of Commissioners of Upper Pottsgrove Township, Montgomery County, Pennsylvania in lawful session duly assembled.


**UPPER POTTSBROVE TOWNSHIP
BOARD OF COMMISSIONERS**

BY:



Trace Slinkerd, President

Attest:



Jeannie DiSante, Township Secretary

INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT FOR THE POTTSTOWN AREA REGIONAL RECREATION COMMITTEE

November, 2022

**For the Municipalities of: Pottstown Borough, Douglass Township,
Lower Pottsgrove Township, Upper Pottsgrove Township, West Pottsgrove Township,
East Coventry Township, North Coventry Township and Washington Township**

Pottstown Borough Council, the Commissioners of West Pottsgrove Township, Upper Pottsgrove Township and Lower Pottsgrove Township, and the Supervisors of Douglass Township, East Coventry Township, North Coventry Township and Washington Township hereby adopt an Agreement establishing the Pottstown Area Regional Recreation Committee:

Section 1. Creation

The aforementioned municipalities shall join together to create the Pottstown Area Regional Recreation Committee (PARRC) as per the guidelines set forth under Article XI of the Pennsylvania Municipalities Planning Code, Act 247 as amended, and by the Intergovernmental Cooperation Law 53 Pa C.S. Ch. 23.

Section 2. Purpose

The Pottstown Area Regional Recreation Committee is an organization comprised of representatives from Douglass Township, East Coventry Township, Lower Pottsgrove Township, North Coventry Township, Upper Pottsgrove Township, West Pottsgrove Township, Washington Township and Pottstown Borough (known collectively as the "Region") dedicated to improving the parks, recreational opportunities, and open spaces in the Region. The PARRC seeks to stimulate the development and maintenance of recreational facilities, encourage the preservation of open space and its creative use, and implement better planning for parks and recreation. It is further the objective of the PARRC to hire a Regional Recreation Planner whose work will focus on improving the parks, recreation and open space services to the residents of each municipality.

Section 3. Committee

1. Membership:

- a. Each participating municipality shall appoint one (1) representative to the PARRC who can best represent the municipality's interests in matters pertaining to open space and recreation. The appointed representative to PARRC must be a resident of the municipality or its employee. This individual shall be designated the primary representative.
- b. Each municipality shall appoint an alternate who may attend meetings in place of the primary representative of the PARRC where said alternate shall have the right to cast the municipal vote on matters which come before the PARRC in the event that the primary representative of the municipality is not available. The alternate must also be a resident of the municipality or its employee.
- c. Although each municipality shall have two (2) representatives, a primary representative and alternate, together they shall have one (1) vote to cast on all matters that come before PARRC that requires action. Where both representatives are present from a single municipality, the prevailing vote shall be that of the primary representative.

- d. The term of the appointment for each representative and alternate shall be two years in length as measured from the time of the appointment.
- e. Each municipality is responsible for ensuring full representation on the PARRC and must fill any vacancy if that vacancy occurs otherwise than by expiration of term, in a timely fashion.
- f. It shall be the responsibility of the PARRC member to communicate important voting issues upon which action is expected to be taken to their respective municipality in advance of the meeting.

2. Officers:

- a. The positions of Chairperson and Vice-Chairperson shall be held by individuals representing two different municipalities. The position of Treasurer may be held by an individual representing any one of the participating municipalities. No chairperson shall serve more than three (3) consecutive terms without unanimous approval by the PARRC representatives. The chairperson shall have the following responsibilities:
 - Review and approve monthly meeting agendas and minutes prepared by the Regional Recreation Planner.
 - Lead meetings in accordance with the agenda prepared by the Regional Recreation Planner.
 - Moderate disputes regarding PARRC business between members as needed.

3. Terms of Office: All Officers shall be elected at the January meeting, or first scheduled meeting of the year, and shall serve a one-year term.

4. Quorum: A quorum shall be considered achieved when there are five (5) voting members present whereby each voting member represents a separate municipality.

5. Voting:

- a. No action may be taken, or recommendation made, where the resulting vote ends in a tie.
- b. A quorum shall be required for all votes on matters that do not pertain to the expenditure of funds or the entering into contracts and shall be by a majority vote of the voting members present at a duly convened meeting.
- c. The expenditure of funds, budgeted or otherwise, shall be by unanimous consent of the entire membership at a duly convened meeting.

6. Meetings: Regular meetings will be held monthly on a mutually agreed upon day and time. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting. Should there be no business to be considered, the Chairperson may cancel a meeting without prior notice.

- a. All meetings or portions of meetings shall be open to the general public and will be advertised for the year one-month prior to the first meeting of the calendar year.

7. Administration and Expenditure of Funds not dedicated toward the Regional Recreation Planner and the Position's Associated Costs:

- a. Individual municipalities may appropriate funds, at the discretion of each individual Governing Body, for use by the PARRC.
- b. Within the limits imposed upon it by the funds available for its use, the PARRC may appropriate funds for the operation of the PARRC and prepare an annual budget for disbursement of such funds.

- c. All budgeted and non-budgeted items and the entering into contracts shall be approved by unanimous consent of all the voting members of the Committee.
 - d. The PARRC shall prepare an annual budget to be adopted at the first scheduled meeting of the new year and shall require the unanimous consent of the participating members.
8. Annual Report: Each February the PARRC shall deliver an annual report to the governing bodies of the participating municipalities providing the following information:
- a. An overview of tasks/projects completed or in progress for the Region.
 - b. An overview of tasks/projects completed or in progress for each participating municipality.
 - c. Grants applied for and obtained.
 - d. An overview of the current year's goals and objectives.

Section 4. Regional Recreation Planner

PARRC is responsible for the hiring and supervision of a Regional Recreation Planner who's primary duties are to: improve regional relationships; coordinate public/private partnerships; develop strong working relationships with the Region's school districts; expand promotions and public awareness of existing park areas and recreation programs; assist volunteer youth sports providers and community groups; establish new recreation programs and special events and improve existing activities; assess parks and recreation needs and interests; improve coordination of recreation facilities and organizations; develop park and trail plans; improve park, trail and open space maintenance; and grant writing.

1. Funding: Participating municipalities, in accordance with their signed resolutions of financial support, agree to contribute to the costs of the Regional Recreation Planner position and shall provide the PARRC Treasurer with a check for the full amount of each year's contribution on or before August 1st of each year.
2. Tenure: The Regional Recreation Planner position shall be funded in five (5) year increments subject to a resolution of financial support adopted by the participating municipalities detailing participation in the Pottstown Area Regional Recreation Committee; provided however that a municipality may withdraw from PARRC subject to the process outlined in "Section 5. Withdrawal".
3. The Regional Recreation Planner's associated costs, and salary shall be reviewed on an annual basis as part of the annual budgeting process.

Section 5. Withdrawal

A municipality may withdraw from the Pottstown Area Regional Recreation Committee consistent with the following sequential process:

1. Written notice is provided to the Committee and each other member municipality regarding the intention to withdraw.
2. The withdrawing municipality holds a public hearing, pursuant to public notice, to solicit comment regarding its intention to withdraw. The governing body of the municipality intending to withdraw passes a resolution authorizing the withdrawal.
3. The withdrawal shall be effective one-year from the adoption of the resolution authorizing the withdrawal, unless a shorter waiting period has been agreed upon through unanimous consent of all other PARRC members. The one-year waiting period will allow for the resolutions of financial support to be amended, as needed.

4. Any municipality authorizing withdrawal from the Committee shall be bound by the requirements of this agreement.
5. Any municipality which has authorized withdrawal shall be financially responsible for only those budgeted and non-budgeted items which it, or its representative to the Committee, had agreed to or voted for. In no case shall the withdrawing municipality be financially responsible for the expenditure of funds beyond the one-year waiting period (or other unanimously agreed upon waiting period), or the term as specified in the resolution of financial support as adopted.

Section 6. Amendments

Amendments to this document shall be by the unanimous consent of the participating municipalities by ordinance enacted by each individual governing body and no amendment shall go into effect until all participating municipal governing bodies have taken formal action.

Section 7. Dispute Resolution

In instances where a dispute arises between two or more municipalities the PARRC shall mediate said dispute. Dispute resolution by the PARRC shall be undertaken only by non-disputing members of the Committee. If the PARRC is unwilling to mediate, the services of the Montgomery County Planning Commission, Chester County Planning Commission, or other outside mediation service shall be engaged to mediate. The engagement of any of the latter shall be by majority vote of all members of the Committee (not just a quorum), including disputing members.

Section 8. New Membership

Non-member municipalities may join the PARRC provided the current PARRC member municipalities, by unanimous consent, agree to accept the new member. Upon induction of the new member a new cost sharing formula will be developed, and approved by resolution, by the participating member municipalities.

Section 9. Severability

The provisions of this Agreement are severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Agreement. It is hereby declared to be the intent of this (*Council or Board*) that this Agreement would have still been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 10. Default

While a member of PARRC, should any party to this agreement default on any of the financial commitments made herein, the defaulting party shall pay all costs and expenses, including a reasonable attorney's fee, which may arise or accrue from enforcing said financial commitments.

Section 11. Effective Date

This Agreement shall be effective upon its enactment by all the participating municipalities.