

COUNTY OF CENTRE
Commonwealth of Pennsylvania

ORDINANCE NO. 02-2004

AN ORDINANCE

OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CENTRE, PENNSYLVANIA (THE "COUNTY"), AUTHORIZING AND APPROVING AN ADDENDUM TO THAT CERTAIN ARTICLES OF AGREEMENT (THE "AGREEMENT") ORIGINALLY ENTERED INTO BY AND AMONG THE COUNTIES OF CENTRE, CLEARFIELD, CLINTON, HUNTINGDON AND MIFFLIN (THE "COUNTIES") PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW [53 PA. C. S. §2301 *ET SEQ.*], WHICH AGREEMENT WAS ENTERED INTO FOR THE PURPOSE, *INTER ALIA*, OF (1) CREATING A REGIONAL JUVENILE DETENTION FACILITY KNOWN AS THE CENTRAL COUNTIES YOUTH CENTER (THE "FACILITY"), (2) SETTING FORTH THE FUNCTIONS, POWERS AND RESPONSIBILITIES IN THE ESTABLISHMENT, CONSTRUCTION AND OPERATION OF THE FACILITY, AND (3) SETTING FORTH THE GOVERNANCE OF THE FACILITY BY THE COUNTIES, WHICH ADDENDUM IS BEING UNDERTAKEN FOR THE PURPOSE OF SETTING FORTH THE FISCAL OBLIGATION OF THE COUNTY AS IT RELATES TO THE COUNTY'S OBLIGATION TO FUND ITS SHARE OF THE ANNUAL COSTS AND EXPENSES OF THE CENTER INCLUDING CERTAIN CAPITAL IMPROVEMENTS BEING MADE TO THE FACILITY; DIRECTING OFFICERS AND OFFICIALS OF THE COUNTY TOGETHER WITH THE SOLICITOR AND OTHER RETAINED PROFESSIONALS TO DO AND TAKE CERTAIN ACTIONS PREPARATORY TO AND IN FURTHERANCE OF AMENDING THE AGREEMENT WITH THE ADDENDUM THERETO; AUTHORIZING AND DIRECTING OFFICERS AND OFFICIALS OF THE COUNTY, AND, AS APPLICABLE, THE SOLICITOR AND OTHER RETAINED PROFESSIONALS, TO EXECUTE AND DELIVER THE ADDENDUM TO THE AGREEMENT AND OTHER RELATED DOCUMENTS, AND TO TAKE ACTION AS MAY BE NECESSARY TO AMENDING THE AGREEMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS AND REPEALING INCONSISTENT ORDINANCES.

ENACTED MARCH 18, 2004

WHEREAS, the County of Centre, Pennsylvania ("County"), is a political subdivision and county of the fifth class existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, Central Counties Youth Center ("Center") is an undertaking by the Counties of Centre, Clearfield, Clinton, Huntingdon and Mifflin (the "Counties," which term may in certain uses herein include the County), each a political subdivision of the Commonwealth, pursuant to an Intergovernmental Cooperation Articles of Agreement, dated April 20, 1979, as amended (the "Agreement") approved and adopted by the Counties under authority of the Pennsylvania Intergovernmental Cooperation Law (53 Pa.C.S. §2301 *et seq.*) for the purpose of jointly exercising their respective powers to construct, own and operate a juvenile detention facility (the "Facility") for the Counties; and

WHEREAS, The Center, operating through its governing body, which is comprised of Commissioners of the Counties, has determined to undertake a capital improvement project for the Center consisting of, but not limited to, new resident rooms, ADA compliance, kitchen modernization and storage rooms (the "2004 Project"); and

WHEREAS, the Counties, pursuant to the terms of the Agreement, share, on a *pro rata* basis, the annual costs and expenses of operating the Center; and

WHEREAS, the Counties desire to amend the Agreement in accordance with its terms by authorizing a fourth addendum to the Agreement (the "Fourth Addendum" or "Addendum"), *inter alia*, setting forth the fiscal obligation of each County as it relates to each County's obligation to fund its share of the annual costs and expenses of the center including the costs and expenses of the 2004 Project; and

WHEREAS, the Board of Commissioners of the County desires to approve and authorize the Addendum, and to authorize and direct proper offices of the County to execute, attest and seal, and thereafter deliver, the Addendum, and to take all necessary and proper action in furtherance of the purpose of this Ordinance.

NOW, THEREFORE, BE AND IT HEREBY IS ORDAINED AND ENACTED by the Board of Commissioners of the County of Centre that:

1. The foregoing recitals to this Ordinance are incorporated herein and made a part hereof. The 2004 Project is hereby approved as set forth in this Ordinance and in accordance with applicable federal and state law.

2. The Fourth Addendum is hereby approved in the form set forth in Schedule A hereto, with such changes hereafter made thereto as shall be acceptable to the proper officers of the County executing the same upon the advise of the County solicitor and other retained professionals, the signatures of such proper officers being conclusive proof of their approval of the changes.

3. The County, as more fully set forth in the Addendum, acknowledges its fiscal obligation as it relates to the County's obligation to fund its share of the annual costs and expenses of the Center, including the 2004 Project, as set forth under Article V of the Agreement.

4. The County hereby authorizes proper officers and officials of the County, together with the solicitor and other retained professionals, to execute and deliver the Addendum and other related documents, and to take all such necessary action as may be necessary to amend the Agreement.

5. 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 County that such remainder shall be and shall remain in full force and effect.

6. All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

7. This Ordinance shall become effective according to the date of execution of this Ordinance as set forth below.

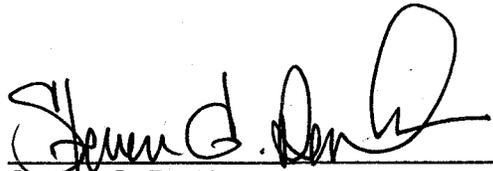
ENACTED by the Board of Commissioners of the County of Centre, in lawful session assembled, this 18th day of March 2004.

COUNTY OF CENTRE

ATTEST:


C. Chris Exarchos, Chairman


Adam Brumbaugh, Chief Clerk 3/18/04


Steven G. Dershem

[SEAL]


H. Scott Conklin

SCHEDULE A

COUNTY OF CENTRE
Commonwealth of Pennsylvania

FOURTH ADDENDUM
TO
ARTICLES OF AGREEMENT

CERTIFICATE

I, the undersigned officer the County of Centre, Pennsylvania ("County"), hereby certify that: (a) attached to this Certificate is a true, correct and complete copy of an ordinance (the "Ordinance") which was duly enacted at a meeting of the Board of Commissioners of the County on March 18, 2004, at which a quorum was present and acting throughout, and which was at all times open to the public; (b) the Ordinance was duly recorded in the County's Ordinance Book, and a summary of the Ordinance was published as required by law in a newspaper of general circulation in the County; (c) the County met the advance notice requirements of the Sunshine Act and County Code by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Board of Commissioners; (d) the total number of members of the Board of Commissioners is three; and (e) the vote upon the Ordinance was called and duly recorded upon the minutes and that the members voted in the following manner:

	Yes	No	Abstain	Absent
Chris Exarchos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steven G. Dershem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Scott Conklin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WITNESS my hand and seal of the County this 18th day of March 2004.


Adam Brumbaugh, Chief Clerk

(SEAL)

**FOURTH ADDENDUM TO
INTERGOVERNMENTAL COOPERATION ARTICLES OF AGREEMENT**

THIS FOURTH ADDENDUM TO INTERGOVERNMENTAL COOPERATION ARTICLES OF AGREEMENT (the "Addendum"), is made this 2nd day of April, 2004, to the Intergovernmental Cooperation Articles of Agreement, dated April 29, 1979, by and among the Board of Commissioners of the Counties of Centre, Clearfield, Clinton, Huntingdon and Mifflin, all counties created and existing by virtue of the laws of the Commonwealth of Pennsylvania, all hereinafter collectively referred to as the "Counties".

RECITALS

WHEREAS, By Intergovernmental Cooperation Articles of Agreement, dated April 20, 1979 (the "Agreement"), the Counties agreed to jointly exercise their respective functions, powers and responsibilities for the establishment and operation of a regional juvenile detention facility to be governed and operated by a body known and styled as "Central Counties Youth Center", (hereinafter referred to as the "Center"); and

WHEREAS, The Center, operating through its Executive Committee and its Board of Directors, in each case comprised of Commissioners of the Counties, has determined to undertake a capital improvement project for the Center consisting of, but not limited to, new resident rooms, ADA compliance, kitchen modernization and storage rooms (the "2004 Project"); and

WHEREAS, the Counties have determined to amend the Agreement by approval of this Addendum for the purpose of setting forth the fiscal obligations of the Counties as they relate to the Counties' obligations to fund their share of the annual costs and expenses of the Center, including the 2004 Project.

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants and agreements herein contained, the Counties, intending to be legally bound hereby, do agree as follows:

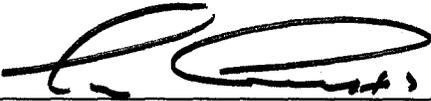
1. The foregoing recitals to this Addendum are incorporated herein and made a part hereof.

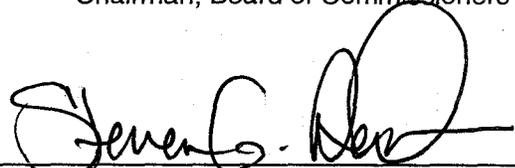
2. Article V, Finances, Section 5.02, shall be amended by adding the following language to the end of Section 5.02: "The Counties' obligations to appropriate funds necessary for the annual operation of the Center shall include payment of their respective *pro rata* portions of the annual costs and expenses for the 2004 Project. The respective *pro rata* portions of the Counties as they relate to the costs and expense of the 2004 Project are as follows: 33.23% for the County of Centre; 14.54% for the County of Clearfield; 25.55% for the County of Clinton; 7.03% for the County of Huntingdon; and 19.65% for the County of Mifflin."

3. Except as modified, altered or amended, in all other respects the Agreement is hereby ratified and confirmed together with this Addendum.

4. This Amendment may be executed in multiple counterparts, each of which shall be regarded for all purposes as the original, such counterparts shall constitute but one and the same instrument.

COUNTY OF CENTRE
Commonwealth of Pennsylvania


Chairman, Board of Commissioners


Member, Board of Commissioners


Member, Board of Commissioners

ATTEST:


Chief Clerk 3/18/04

(SEAL)

IN WITNESS WHEREOF, the Counties of Centre, Clearfield, Clinton, Huntingdon and Mifflin, have caused this Addendum to be executed in their names, by and through their respective Board of Commissioners, all as of this 2nd day of April, 2004.

COUNTY OF CLINTON
Commonwealth of Pennsylvania

Chairman, Board of Commissioners

Member, Board of Commissioners

Member, Board of Commissioners

ATTEST:

Chief Clerk

(SEAL)

COUNTY OF CLEARFIELD
Commonwealth of Pennsylvania

Chairman, Board of Commissioners

Member, Board of Commissioners

Member, Board of Commissioners

ATTEST:

Chief Clerk

(SEAL)

COUNTY OF HUNTINGDON
Commonwealth of Pennsylvania

Chairman, Board of Commissioners

Member, Board of Commissioners

Member, Board of Commissioners

ATTEST:

Chief Clerk

(SEAL)

COUNTY OF MIFFLIN
Commonwealth of Pennsylvania

Chairman, Board of Commissioners

Member, Board of Commissioners

Member, Board of Commissioners

ATTEST:

Chief Clerk

(SEAL)