

CENTRE REGION COUNCIL OF GOVERNMENTS
JOINT ARTICLES OF AGREEMENT FOR THE
PLANNING, DEVELOPMENT AND OPERATION OF
“REGIONAL PARKS”

This AGREEMENT is made and entered into this 27th day of November, 2006, by and among the Townships of College, Ferguson, Harris and Patton, and the Borough of State College, County of Centre, Commonwealth of Pennsylvania (hereafter collectively referred to as the “**Participating Municipalities**”) for the purpose of the planning, development & operation of regional (multi-municipal) parks.

The Township of Halfmoon does not desire to participate in this regional park development program (hereafter called the “**Nonparticipating Municipality**”). Halfmoon Township does not currently participate in the regional maintenance and operations program provided for municipal parks through Centre Region Council of Governments (hereinafter known as **COG**)

BACKGROUND OF THIS AGREEMENT

On December 2, 1969, the Participating Municipalities and Halfmoon Township joined together in a voluntary organization through the adoption of the COG Articles of Agreement. A major purpose of the COG has been to facilitate cooperative efforts to provide community facilities and services. Among these services is maintenance and programming for the parks, pools, nature center, and the senior citizens’ center in the Centre Region. The COG charged the Centre Region Parks and Recreation Board with the operational oversight of these services.

The acquisition, planning, and development costs of all municipal parks to date has been the responsibility of the owning (host) municipality. While the Participating Municipalities have jointly funded the capitalization of the community swimming pools, the nature center, and the Senior Center, regional cooperation for the municipal parks has thus far focused only on shared maintenance, programming, and funding the purchase of parks maintenance equipment.

As a result of the need for additional active recreation sites in the Centre Region, in 2001 the COG General Forum established the “COG Ad Hoc Regional Park Committee.” The committee worked with The Pennsylvania State University (PSU) to evaluate and recommend lands for purchase, and with Pennsylvania Department of Conservation and Natural Resources (DCNR) officials to submit state grant applications for funding assistance. The Participating Municipalities determined that the most effective way to address the regional need for additional outdoor sports facilities was to extend their cooperation to include the planning, development, and operation of those facilities.

In 2005, with funds provided by DCNR, College Township and Harris Township, the COG acquired from PSU a 68-acre parcel at Oak Hall for future development as a regional park for active recreation. The COG also authorized a grant application in September 2005 for

assistance in purchasing a 75-acre tract near Whitehall Road, with the required local funding to be provided by Ferguson Township.

The COG Articles of Agreement state that the COG may only own property with the *"unanimous approval of all member municipalities."* Therefore, in November 2004 the COG General Forum unanimously approved the Articles of Agreement that authorized the COG to own the Oak Hall parkland property on behalf of College, Harris, and Patton Townships and the Borough of State College. Similarly, Articles of Agreement are being considered that authorize COG to jointly own with Ferguson Township the 75-acre tract near Whitehall Road.

DEFINITIONS:

Centre Regional Recreation Authority: A public authority organized under the provisions of the Municipal Authorities Act for the purpose of financing capital construction of recreation facilities in the Centre Region. Currently, the Authority consists of members of the Parks and Recreation Board.

Centre Region Parks and Recreation Board: A Board established by the Participating Municipalities for the purpose of exercising the duties and responsibilities delegated to it by the Participating Municipalities. The Board consists of one appointee from each of the Participating Municipalities and one from the State College Area School District.

Participating Municipality: For the purposes of this agreement, a Participating Municipality shall mean State College Borough, College, Ferguson, Harris, and Patton Townships.

Nonparticipating Municipality: For the purposes of this agreement, a Nonparticipating Municipality shall mean Halfmoon Township.

PROVISIONS OF THIS AGREEMENT

This agreement represents an expansion of municipal cooperation for parks and recreation services to include shared funding of the planning, development, and operational costs for parks that are designated as "regional parks" by the Participating Municipalities.

Based on the foregoing, and within the agreement provisions of the Intergovernmental Cooperation Law (53pa.C.S.A. Section 481 et. seq.) as amended, the Participating Municipalities agree and intend to be legally bound by the following:

SECTION 1. PURPOSE OF AGREEMENT

The purpose of this agreement is to provide for the leasing, planning, development, and operation of those regional parks as designated by unanimous resolution of the COG General Forum.

- 1.1 The regional parks shall be owned as provided in the respective Articles of Agreement for each site. When appropriate, the owners of the regional parks

shall lease such part to Centre Regional Council of Governments for the purpose of carrying out the Joint Articles of Agreement for the Planning, Development and Operation of Regional Parks.

- 1.2 It is acknowledged that all development plans, construction work, and park operations at the regional parks must comply with all applicable deed restrictions for each site.

SECTION 2. PURPOSE OF THE REGIONAL PARKLANDS

- 2.1 The Participating Municipalities will consider the regional parklands as regional open space resources to serve as public parks. Their primary uses will provide for active recreation activities, including but not limited to softball, baseball, soccer, basketball, tennis, etc., and where possible, to enhance public access to and enjoyment of the environment with provisions for passive recreation. The Master Plans for each site will reflect these purposes.

SECTION 3. NONPARTICIPATING MUNICIPALITIES

- 3.1 Halfmoon Township does not desire to participate in the planning, development, or operation of the regional parks. Halfmoon Township did not participate in the ownership of the regional park sites, or with the shared funding of the municipal park program.
- 3.2 In accordance with the Articles of Agreement for the Centre Region COG, the Nonparticipating Municipality hereby consents to the Centre Region COG's acquisition, planning, development and operation of regional parks as provided in this agreement.
- 3.3 The established policy by the Centre Region Parks and Recreation Board to charge increased user fees to "nonresidents" for programs and municipal park uses shall be applied to organized activities and facility reservations at these park areas, and any reduced "resident" rates will apply only to the residents of the Participating Municipalities. The Participating Municipalities hereby authorize the Centre Region Parks and Recreation Board to extend that policy to the regional parks. The fee structure permitted by DCNR grant recipients provides that the nonresident rate may be no more than twice (i.e., not more than 200% of) the resident rate.

SECTION 4. THE REGIONAL PARK MASTER PLANNING PROCESS

- 4.1 So as to develop the regional parklands to best serve the needs of the Participating Municipalities, and to fulfill the purpose of the regional parklands (Section 2), the COG will coordinate the preparation of a Master Site Plan for each regional park. That planning process will engage representatives of the

Participating Municipalities, and others as may be determined by the Participating Municipalities.

- 4.2 Each Master Site Plan for a regional park must be approved by the unanimous action of the Participating Municipalities at the COG General Forum prior to any park development (construction) activities on the respective site.
- 4.3 The approved Master Site Plan for each park must identify the recommended phasing, if any, of the construction of the various facilities and features, the cost estimates for constructing those facilities, and any temporary (interim) facilities that may be developed on the site.
- 4.4 Revisions to the Master Site Plan must be approved by a unanimous vote of the Participating Municipalities. There will be no development of park facilities, whether temporary or permanent, that is not shown on the approved Master Site Plan unless the plan is revised to include that facility or feature.
- 4.5 The Master Site Planning process may incorporate, as approved by a majority of the Participating Municipalities, the requirements of the grants or other financial contributions that may be obtained for their preparation. In all cases, the approved plans must meet the applicable deed requirements as previously established by DCNR, PSU, and where appropriate, the National Park Service.

SECTION 5. THE "REGIONAL PARK" DEVELOPMENT PROCESS

- 5.1 The construction of major park facilities (i.e., roadways, sportfields, play areas, buildings, parking areas, etc.) must be "as shown" on the approved Park Master Site Plan for each park, as provided in Section 4 of this agreement.
- 5.2 It is expected that the funds to develop the regional parklands will include grant funds, donations from community groups, and foundation funds. Any conditions or stipulations associated with each must be unanimously approved in advance by the Participating Municipalities.
- 5.3 The authorization to execute a contract and proceed with park facility construction contracts (or accept donated services for same) shall be approved in advance by unanimous action of the Participating Municipalities.
- 5.4 The donation of funds, services, items, or materials to improve the regional parks shall be in conformance with the policies established by the Centre Region Parks and Recreation Board. Exceptions to this policy shall be approved in advance by unanimous action of the Participating Municipalities.

SECTION 6. REGIONAL PARK OPERATIONS

- 6.1 Centre Region Parks and Recreation (CRPR), an agency of the Centre Region COG, is hereby authorized to operate, maintain, schedule, supervise, and program the regional parklands and the associated facilities on behalf of the Participating Municipalities. CRPR will operate the regional park facilities in concert with the other facilities operated on behalf of the Participating Municipalities, which includes the municipal parks, community swimming pools, regional nature center, and the regional senior center.
- 6.2 It is agreed that operational oversight of regional parks will be provided by the volunteer appointees to the Centre Region Parks and Recreation Board / Centre Regional Recreation Authority, or by a group designated by unanimous action of the Participating Municipalities. The annual operational funding and work priorities will be determined by the Participating Municipalities through the COG Budget adopted annually by the COG General Forum.
- 6.3 It is agreed that the hosting municipality or municipalities will enact the appropriate ordinances and regulations (park rules) to protect the public investments in the regional parklands.

SECTION 7. FUNDING

- 7.1 The Participating Municipalities agree to fund the following aspects of the regional parks: (a) park planning, (b) park development, (c) capital repairs / capital renovations, and (d) operations / programming / maintenance (including maintenance equipment) in the manner detailed below, and as provided in the Annual COG Budget as approved by the COG General Forum.
- 7.2 The "Net Local Amount" of funds (after deducting funds from capital improvement grants and donations) for (a) park planning, (b) park development and/or for (c) capital repair projects / capital renovations shall be disbursed from a separate COG accounting fund established exclusively for this purpose. Starting with the 2007 Budget, no part of said fund shall be disbursed for operational expenses or for expenses not related to capital projects, unless approved by a majority of the Participating Municipalities.
- 7.3 Proposed expenditures for Regional Parks Capital Projects shall be determined each year as part of the COG Budget Process. The Participating Municipalities may authorize a committee, or a similar body, to recommend an annual appropriation based upon the annual improvement schedule.
- 7.4 The annual appropriation for the regional park operations and maintenance (including the purchase of maintenance equipment) will be disbursed from the general Parks & Recreation Budget. Therefore, it is mandatory that each Participating Municipality in this Agreement (for Regional Park Planning and

Development) also participate in the shared funding of municipal park operations and maintenance.

- 7.5 The Participating Municipalities agree to contribute the following amounts for the purposes identified in this agreement:

Total municipal contributions of \$183,847 for 2006:

State College Borough	\$48,504	College Township	\$37,646
Ferguson Township	\$46,612	Harris Township	\$14,914
Patton Township	\$36,171		

Total municipal contributions of \$367,694 per year for 2007 and 2008:

State College Borough	\$97,007	College Township	\$75,292
Ferguson Township	\$93,224	Harris Township	\$29,829
Patton Township	\$72,341		

During 2008, the authorized committee will review funding for the purposes identified in this agreement within the concept of the Master Site Plans for the regional parks. Said committee shall propose a funding method to finance these improvements. This funding method shall require the unanimous approval of the Participating Municipalities at a regularly scheduled General Forum meeting.

- 7.6 No hosting fee will be charged or credited to the Participating Municipality where a regional park is located.

SECTION 8. SALE, TRANSFER, CONVERSION, DISPOSAL OF ASSETS (e.g. Facilities)

- 8.1 Any sale, transfer, conversion, or disposal of regional park assets (e.g. facilities, fixtures or equipment) shall comply with any applicable deed restrictions as well as the requirements of the COG Articles of Agreement and the Commonwealth of Pennsylvania, and the proceeds shall be apportioned to the Regional Parks Capital Budget.

SECTION 9. GRANT APPLICATIONS AND OUTSIDE FUNDING REQUESTS

- 9.1 The Participating Municipalities may make individual or joint application for funding assistance for planning and/or capital costs of the regional parklands. Said applications, which shall be authorized and endorsed in advance by the Participating Municipalities at the COG General Forum, may be submitted to county, state, or federal governments, to private foundations or endowments, or to any other organization, as they deem appropriate. Those applications that relate to operational funding are not included in this requirement, but must conform to CRPR policies.

- 9.2 Applications for capital project funding assistance shall comply with the Park Master Plan as such plan was unanimously approved by the Participating Municipalities (per Sections 4 and 5).

SECTION 10. INTERGOVERNMENTAL COOPERATION

- 10.1 The Centre Region COG, on behalf of the Participating Municipalities, has the authority to make agreements with any public agency to accomplish any of the goals of this agreement. Such agreements shall comply with applicable COG policies, and the cost, if any, shall be funded by the Participating Municipalities through the annual COG budget.

SECTION 11. CHANGES IN PARTICIPATING MUNICIPALITIES

- 11.1 The addition of a municipality to this agreement will require:
- a. the unanimous consent of the Participating Municipalities, and
 - b. the participation of the new municipality in the shared operational costs of the municipal parks (per Section 7.4).

In addition, the COG General Forum may assign other conditions at the time the request is made.

Participation in the funding of planning and development activities does not require participation in the ownership of the regional parklands. At the time of request for admission, no credit will be given for any prior park-related expenditure made by any municipal applicant.

- 11.2 Any Participating Municipality shall have the right to withdraw from this agreement as provided in the COG Articles of Agreement. Withdrawal will in no way serve to void or lessen any previous financial obligation incurred by that Participating Municipality. At the time of withdrawal, no credit will be given or payments refunded for any park related expenditures made by any Participating Municipality.

SECTION 12. DISSOLUTION OF THE COG

- 12.1 If the Centre Region COG should dissolve, the ownership of the facilities on the regional parklands shall transfer to the Participating Municipalities as tenants in common as may be approved by DCNR. The transfer of ownership of the regional parkland real estate will be executed as outlined in the respective Articles of Agreement.

SECTION 13. AMENDMENT PROCEDURES

- 13.1 Amendments to these Articles of Agreement may be recommended by the COG General Forum, or by the Participating Municipalities. Any amendment or change to these articles shall be approved by the COG General Forum according to the COG Articles of Agreement and by the COG municipalities and shall take effect upon passage of the appropriate municipal ordinances.

SECTION 14. LIABILITY

- 14.1 Centre Region COG shall provide general liability insurance coverage for bodily injury and property damage in an amount sufficient to protect the park facilities, as well as the interests and investments of the Participating Municipalities.

SECTION 15. EFFECTIVE DATE

- 15.1 The effective date of this agreement shall be upon enactment by ordinance of this agreement by the COG Municipalities.

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FIVE PARTICIPATING MUNICIPALITIES:

TOWNSHIP OF COLLEGE

Attest: [Signature] Secretary By: [Signature] Chair, Township Council

TOWNSHIP OF FERGUSON

Attest: [Signature] Secretary By: [Signature] Chair, Board of Supervisors

TOWNSHIP OF HARRIS

Attest: [Signature] Secretary By: [Signature] Chair, Board of Supervisors

TOWNSHIP OF PATTON

Attest: [Signature] Secretary By: [Signature] Chair, Board of Supervisors

BOROUGH OF STATE COLLEGE

Attest: [Signature] Secretary By: [Signature] President, Borough Council

ONE NONPARTICIPATING MUNICIPALITY:

TOWNSHIP OF HALFMOON

Attest: [Signature] Secretary By: [Signature] Chair, Board of Supervisors

APPROVED BY MUNICIPALITIES AS FOLLOWS:

<u>Municipality</u>	<u>Date</u>	<u>Ordinance Number</u>
Township of College	10/5/06	0-06-23
Township of Ferguson	9/18/06	# 869
Township of Halfmoon	10/26/06	2006-06
Township of Harris	10/9/06	# 264
Township of Patton	10/11/06	# 475 - 2006
Borough of State College	9/18/06	# 1849