

**SECOND AMENDMENT TO
AMENDED & RESTATED
INTERLOCAL AGREEMENT
AVON ROCHESTER HILLS-OAKLAND-ROCHESTER
OLDER PERSONS' COMMISSION**

This Second Amendment was entered into on the 16th day of October , 1995, by and between the City of Rochester Hills, the City of Rochester and the Charter Township of Oakland.

WHEREAS, the parties hereto wish to amend the Amended and Restated Interlocal Agreement dated March 28, 1985, as amended January 20, 1988, which created and provided for the Avon Rochester Hills-Oakland-Rochester Older Persons' Commission, to provide for the election of a Treasurer, describe the duties and responsibilities of the Treasurer, to change the registered address of the Commission.

IT IS AGREED that the Amended and Restated Interlocal Agreement described herein shall be amended and modified only as follows:

1. Section 4. OFFICERS. of Article III shall be amended to read as follows:

A. The Commission shall elect at its first meeting of each year, from its membership, a Chairperson, Vice Chairperson, Secretary, and Treasurer who shall hold office for terms of one (1) year, and until a successor is elected, or until a resignation or removal.

B. Vacancies in any office shall be filled by the Commission within thirty (30) days of the vacancy, for the remainder of the unexpired term.

- C. The Chairperson shall preside at all meetings of the Commission and shall have all privileges and duties of a Commissioner. The Vice Chairperson shall preside at all meetings of the Commission at which the Chairperson is absent. The Secretary shall keep or cause to be made, all non-financial records, reports and minutes required by this Agreement.

2. Section 10. REGISTERED OFFICE of Article III shall be amended to read as follows:

The registered office of the Commission shall be the office of the Older Persons' Commission, 312 Woodward Street, Rochester, Michigan 48307. The Commission may designate another location as the registered office.

3. Section 3. TREASURER of Article V shall be amended to read as follows:

The Treasurer of the Older Persons' Commission shall have the responsibility of custody and control of all funds of the Commission. The Treasurer shall make or cause to be made, a full and complete financial report to the Commission and to the governing bodies of each of the parties hereto, of the Commission's financial transactions at the end of each fiscal year. Such report shall include a complete audit by a Certified Public Accountant, according to the audit requirements which may be applicable to a City.

4. Section 4. ADMINISTRATION of Article V shall be amended to read as follows:

- A. The Treasurer shall administer the financial aspects of the Commission. All expenditures shall be approved by the Commission pursuant to the budget approved by the parties hereto, and paid by the Treasurer according to the methods and procedures established by the Commission.
- B. The Older Persons' Commission is established herein as an independent corporate entity, separate and distinct from the parties hereto. It shall have its own employees, who shall not be employees of any of the parties hereto. Any acts done by any of the parties

hereto in assistance or in cooperation with the Commission shall not have any effect upon, nor change the status of the Older Persons' Commission, nor create any legal responsibility by any of the parties hereto for acts or obligations of the Commission.

- C. Each of the parties hereto shall pay their share of the funding for the Older Persons' Commission as taxes are collected according to the schedule established by the County for deposit of taxes collected for public schools.

5. Section 1. PARTICIPATION of Article VI shall be amended to read as follows:

The parties hereto agree that they will participate in the activities and programs and provide funds on an on-going basis for a period through 2002, consistent with a proposition approved by the electors in each of the governmental units, to finance transportation, activities and services for older persons and to operate, equip and maintain an Older Persons' Activity Center to the extent of a levy up to one-quarter mill on each dollar of State Equalized Valuation of all taxable property in the Township and the Cities.

All other provisions of the Amended and Restated Interlocal Agreement are affirmed and shall continue in full force and effect and the Amended and Restated Interlocal Agreement described herein, the First Amendment thereto and this Amendment, together shall constitute the Interlocal Agreement pertaining to the Avon Rochester Hills-Oakland-Rochester Older Persons' Commission.

As soon as reasonably practical after the effective date of this Second Amendment, this Amendment shall be officially submitted to the Office of the Governor for approval pursuant to the Urban Cooperation Act of 1967.

This Second Amendment shall be in full force and effect on the date this Agreement is signed by all parties and a copy is

filed with the Oakland County Clerk.

WITNESS:

Lita J. White

Mary Jane Leslie

CITY OF ROCHESTER HILLS

By: Billie M. Ireland
Billie M. Ireland, Mayor

By: Beverly A. Jasinski
Beverly A. Jasinski, Clerk

CITY OF ROCHESTER

Kenneth Johns

Christina Lucari

By: Thomas L. Werth
Tom Werth, Mayor

By: Nancy Hill
Nancy Hill, Clerk

CHARTER TOWNSHIP OF OAKLAND

Joan Buser

Kay Smith

By: Joan Buser
Joan Buser, Twp. Supervisor

By: Carolyn Phelps
Carolyn Phelps, Clerk

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