

THIRD AMENDMENT TO AMENDED & RESTATED INTERLOCAL AGREEMENT
AVON ROCHESTER HILLS-OAKLAND-ROCHESTER
OLDER PERSON'S COMMISSION

THIS THIRD AMENDMENT was entered into on the ____ day of _____, 2004, by and between the **City of Rochester Hills**, 1000 Rochester Hills Dr., Rochester Hills, Michigan 48309, the **City of Rochester**, 400 Sixth Street, Rochester, Michigan 48307, and the **Charter Township of Oakland**, 4393 Collins Road, Rochester, Michigan 48306, (hereinafter referred to as either "the parties" and/or "the member communities").

WHEREAS, the parties hereto wish to amend the Amended and Restated Interlocal Agreement dated March 20, 1985, as amended January 20, 1988, and as further amended on October 16, 1995, which created and provided for the Avon Rochester Hills - Oakland - Rochester Older Person's Commission, to make certain clarifications and modifications to Article I and related Article IV Section 1 (E) and (G) which the parties hereto find are in the best interests of the citizens of Rochester Hills, Rochester and Oakland Township and promote the purpose and intent of the Avon Rochester Hills-Oakland-Rochester Older Person's Commission.

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

ARTICLE I - PURPOSE

The purpose of this Interlocal Agreement is to establish an Older Persons' Commission to provide activities and services for older persons, defined as those individuals sixty (60) years of age or older residing in the governmental units which are parties to this Agreement. No person under 60 years of age may participate in any Older Persons Activity Center program (except Leisure Travel) or use the Center's facilities including the pool, gymnasium, walking track, and exercise equipment. Notwithstanding, by written resolution duly approved and

passed by a majority vote of the elected governing bodies of all three of the member communities, this age restriction may be lowered only on a program by program basis upon a finding by all member communities' governing bodies that lowering the age limit for the program is in the best interests of all the member communities and is not detrimental to the intent and purposes for which the Commission was established. The activities and services to be provided shall include, but are not limited to, the joint ownership and operation of an older persons' activity center, transportation and actions directed toward the improvement of the social, legal, health, housing, educational, emotional, nutritional, recreational, and mobility status of older persons.

ARTICLE IV - POWERS

The Commission shall have the following powers, authority and obligations:

- E. Operate and establish policy and rules governing the use of the Older Persons' Activity Center consistent with State and local law and which shall be consistent with the Amended and Restated Interlocal Agreement and any of its Amendments including the First, Second and this Third Amendment to the Amended and Restated Interlocal Agreement.

- G. Conduct and carry out any program, activity or function which advances and directly relates to the purposes expressed in Article I of the Amended and Restated Interlocal Agreement and to conduct and carry out these programs, activities or functions in a manner which does not conflict with the terms and provisions of Article I of the Amended and Restated Interlocal Agreement, as amended.

All other provisions of the Amended and Restated Interlocal Agreement and its First and Second Amendments are hereby affirmed and shall remain in full force and effect, and, the Amended and Restated Interlocal Agreement and the First, Second, and this Third Amendment, together, shall constitute the Interlocal Agreement for the Avon Rochester Hills-Oakland-Rochester Older Persons' Commission.

This Third Amendment to the Amended and Restated Interlocal Agreement shall be in full force and effect on the date this Third Amendment is signed by all member communities

and a copy is filed with the Oakland County Clerk. As soon as reasonably practical after the effective date of this Third Amendment, this Amendment shall be officially submitted to the office of the Governor for approval pursuant to the Urban Cooperation Act of 1967.

THIS THIRD AMENDMENT is hereby executed on the date first above written and the parties-member communities agree to all its terms and provisions.

THE CITY OF ROCHESTER HILLS

_____ By: _____
Pat Somerville
Its: Mayor

_____ By: _____
Beverly A. Jasinski
Its: Clerk

THE CITY OF ROCHESTER

_____ By: _____
Karen Lewis
Its: Mayor

_____ By: _____
Lee Ann O'Connor
Its: Clerk

OAKLAND TOWNSHIP

_____ By: _____
James V. Creech
Its: Superintendent / Manager

_____ By: _____
Lisa M. Platz
Its: Clerk

Dated: _____, 2004