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Part 1

Short Title and Definitions

§1-101. Short Title.

This Chapter shall be known and may be cited as the "Administrative Code of the Township of Ferguson, Pennsylvania," and is adopted pursuant to Act 62 of 1972 (P.L. 184) as amended, designated as the "Home Rule Charter and Optional Plans Law," and Article II, §2.02.2 of the Ferguson Township Home Rule Charter.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

§1-102. Definitions.

1. As used in this Chapter, these words, terms, and phrases shall mean or include the following:

Administrative Code - the Administrative Code adopted by the Board of Supervisors of the Township of Ferguson, pursuant to the provisions of the Home Rule Charter, Article II, §2.02.2 which defines the responsibilities of the municipal departments, offices and agencies.

Advisory - the function of gathering facts and making recommendations to the Board of Supervisors or to any other body designated by the Board of Supervisors.

Board of Supervisors - the Board of Supervisors of the Township of Ferguson elected by the qualified voters of said Township pursuant to the Home Rule Charter.

Board - a body established under the provisions of the law or by a valid ordinance of the Township, on a permanent basis and for indefinite duration, to perform those functions of a judicial or quasi-judicial nature that are specified in the ordinance creating the board or the law governing it, and to be composed of three or more individuals, appointed by the Board of Supervisors for definite terms of office as specified in the Home Rule Charter. Where a body falling within this definition of "board" shall, by law, be required to be designated as a "commission," that fact shall be clearly stated in the Part erecting or governing that "commission," and that ordinance shall specify that "commission" shall perform the functions of a "board" rather than a "commission."

Code - the Code of the Township of Ferguson as adopted by the Board of Supervisors. The Code contains all Township ordinances of a general and permanent nature, including the Administrative Code.

Commission - a body established under the provisions of the law or by a valid ordinance of the Township, on a permanent basis and for indefinite duration, to perform those functions of an advisory or administrative nature that are specified in the ordinance creating the commission or in the law governing it, and to be composed of not less than three nor more than seven individuals, appointed by the Board of Supervisors for definite terms of office. Where a body falling within this definition of "commission" shall, by law, be required to be designated as a "board," that fact shall be clearly stated in the Part creating or governing that "board," and

that ordinance shall specify that "board" shall have only the authority of a "commission," as defined in this subsection.

Commonwealth - the Commonwealth of Pennsylvania. Use of the term "State" shall be deemed to mean "Commonwealth."

Home Rule Charter - the Home Rule Charter of the Township of Ferguson, as approved by the electors of said Township on May 22, 1974, with amendments, if any, thereafter lawfully adopted and approved. Said Home Rule Charter may be simply referred to as "Charter."

Judicial - the function of hearing and deciding cases or controversies arising from the application of ordinances, regulations or laws.

Law - the Constitution and any statute of the Commonwealth of Pennsylvania and all applicable laws of the United States of America.

Manager - the Township Manager of the Township of Ferguson appointed by the Board of Supervisors pursuant to the Home Rule Charter, Article III, §3.02.

Municipality - the Township of Ferguson.

Ordinance - all ordinances of the Township, including this Administrative Code.

Person - any individual, partnership, association, corporation, firm, utility, government agency, or other entity capable of being sued. Whenever used in any Section prescribing and imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Township - the Township of Ferguson, a home rule municipality, in the County of Centre, Commonwealth of Pennsylvania.

2. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

§1-103. Word Usage.

In this Chapter and in other ordinances of the Township, the following rules of word usage shall apply unless the context clearly indicates otherwise:

A. *Gender*. Words importing the masculine gender only shall also mean and include the feminine and neuter genders, and shall also apply to firms, associations, corporations and other artificial persons.

B. *Number*. Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number.

C. *Shall, May*. The word "shall" is mandatory, and the word "may" is permissive.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

§1-104. Interpretation and Application of Provisions Generally.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort,

convenience, and general welfare. Where the provisions of this Chapter impose greater restrictions or requirements than those of any law, other ordinance or regulation, the provisions of this Chapter shall control. Where the provisions of any law, other ordinance or regulation impose greater restrictions or requirements, the provisions of such law, other ordinance or regulation shall be controlling.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

Part 2

Administrative General Provisions

§1-201. Establishment of Administrative Code.

There is hereby established an Administrative Code for the government of the Township of Ferguson, Pennsylvania, a home rule municipality, pursuant to its Home Rule Charter and the laws of the Commonwealth of Pennsylvania. Said Administrative Code defines the responsibilities of such municipal departments, offices, and agencies as the Board of Supervisors deems necessary for the proper and efficient conduct of municipal affairs.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-202. Continuity of Authority and Responsibilities.

The performance of functions pursuant to the provisions of this Administrative Code shall be deemed and held to constitute a continuation of the performance of previous functions for the purpose of succession to all rights, powers, duties, and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Administrative Code may be conducted and completed by the Township officer or administrative unit responsible therefor under the Home Rule Charter or this Administrative Code.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-203. Transitional Matters.

1. *Departments of Government.* In accordance with Article VI of the Home Rule Charter, administrative departments are hereby established as designated in departments of government in this Administrative Code. During any transitional period after the date of adoption of this Administrative Code and prior to the actual establishment of the designated administrative departments, the Township Manager, or an officer designated by him, shall carry out the duties and responsibilities assigned to the administrative departments.

2. *Members of Boards and Commissions.* The terms of all members of the following boards and commissions in existence prior to the adoption of this Administrative Code shall continue upon the adoption of this Administrative Code: Zoning Hearing Board, Planning Commission, Tax Review Board, Noise Advisory and Appeals Board. [*Ord. 653*]

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; and as amended by Ord. 653, 6/3/1996, §1*)

§1-204. Municipal Authority Not Affected.

The provisions of this Administrative Code shall not be deemed to affect the organization, authority, powers, duties or obligations of the University Area Joint Authority as created August 10, 1964, pursuant to an ordinance of the Board of Supervisors of the Second Class Township of Ferguson, the Centre Regional Recreation

Authority as created January 13, 1970, pursuant to an ordinance of the Board of Supervisors of the Second Class Township of Ferguson and the Ferguson Township Industrial and Commercial Development Authority, as created November 28, 1978, pursuant to an ordinance of the Board of Supervisors, A Home Rule Municipality of the Township of Ferguson, shall continue to exist and function under the provisions of its Articles of Incorporation and the laws of the Commonwealth of Pennsylvania.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989; as amended by *Ord. 726*, 4/5/1999, §2; and by *Ord. 767*, 1/2/2001, §2)

§1-205. Construction of Provisions.

The provisions of this Administrative Code shall be construed broadly in favor of the Township of Ferguson within the limitations of its Home Rule Charter and the laws of the Commonwealth of Pennsylvania. Any specific mention of particular functions, authorities, powers, and duties in this Administrative Code shall not be construed in any way as limiting the general powers of the Board of Supervisors or of the Township Manager as set forth in the Home Rule Charter, in providing for the most efficient and beneficial administration of government for the Township of Ferguson.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

§1-206. Public Records Access Policy.

1. *Purpose.* The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law, as amended; to provide access to public records of Ferguson Township, to preserve the integrity of Ferguson Township's records, and to minimize the financial impact to the residents regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

2. *Public Records.*

A. A "public record" is defined as any record, including financial records, of a Commonwealth or local agency that is not exempt under §708 of Act 3 of 2008, is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree, or is not protected by a privilege.

B. Records are information, regardless of physical form or characteristics, that document a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

3. *Inspection.* Public records are open to inspection and for duplication during normal office hours, except for holidays, subject to the regulations set forth herein.

4. *Open Records Officer.* The Township Manager and Chief of Police are designated as Right-to-Know Officers. The Township Manager shall fulfill the responsibilities of Right-to-Know Officer for all Departments except for the Police Department which shall be fulfilled by the Chief of Police. The designated "Right-to-Know Officer" shall designate certain employee(s) to process public record requests. The Ferguson Township Manager is responsible for minimizing, where possible, the financial impact to Ferguson Township regarding the resources utilized in the receipt

and processing of public record requests and the retrieval and copying of public records. Upon receipt of a written open records request, the Ferguson Township Manager, Chief of Police or his/her designee shall:

A. Note the date of receipt on the written request.

B. Compute the day on which the 5-day period will expire and make a notation of that date on the written request.

C. Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

5. *Open Records Request.* A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile or provided by way of the Township's or the Commonwealth's Right-to-Know Request Form. A written request must be addressed to either the Ferguson Township Manager, Chief of Police or the Ferguson Township Right-to-Know Officer. All employees who receive a request shall immediately forward requests for records to the Township Manager, Chief of Police or designee. Regardless of the form received, no employee other than the Right-to-Know Officer or his/her designee shall determine if the request is in its proper form. A written request should identify or describe the records sought with sufficient specificity to enable the Township to ascertain which records are being requested and should include the name and address to which the Township should address its response. An anonymous request places the onus on the requestor to return to the Township office in a timely manner to pick up the response. A written request need not include any explanation of the requestor's reason for requesting, or intended use of, the records, unless otherwise required by law.

6. *Redaction.* While Ferguson Township will disclose public records subject to access, Ferguson Township is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, Ferguson Township will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, Ferguson Township shall redact from the public record the information which is not subject to access, and the response shall grant access only to the information which is subject to access.

7. *Response.* Within 5 business days from the date the request is received, Ferguson Township will (A) provide the records requested; (B) deny the request by notifying the requestor in writing; or (C) send a written notice that the records cannot be provided within the 5 business days. If it is determined that the request cannot be honored within the 5 days, a notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer than 30 additional days. If no response is made within the 5 business days of receipt of written request, the request shall be deemed denied.

8. *Fees.* A request for copies of public records or information produced therefrom must be accompanied by payment of fees to cover the direct costs of duplication if the cost of duplication is estimated to be \$100 or more. Reasonable fees to cover direct costs incurred by Ferguson Township may be charged, as set by the Pennsylvania Office of

Open Records.

9. *Denials.* If Ferguson Township denies a written request for information, whether in whole or in part, a written response will be sent by the Right-to-Know Officer to the requestor with (A) a description of the record requested, (B) the specific reasons for denial, including a citation of supporting legal authority, (C) contact information for the Right-to-Know Officer, (D) date of response, and (E) procedure to appeal the denial.

10. *Appeals.*

A. Requesters receiving a denial either in part or whole of a submitted request have the right to appeal that denial of information in writing to the Appeals Office, c/o Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, for a review.

B. Within 30 days of the mailing date of the final determination of the appeals officer, a requestor or Ferguson Township may file a petition for review as required by rule of court with the Centre County Court of Common Pleas. The decision of the court shall contain findings of fact and conclusions of law based upon evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review shall stay the release of documents until a decision is issued.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003; by Ord. 882, 6/4/2007, §§1-3; and by Ord. 913, 12/8/2008*)

§1-207. Acting Manager.

The Manager may designate in writing an employee of the Township to exercise the duties of the Manager during a temporary absence or disability of the Manager, subject to the approval of the Board of Supervisors. During such absence or disability, the Board of Supervisors may revoke such designation at any time and appoint another individual to serve until the Manager shall return or the disability shall cease.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

Part 3

Township Organization

§1-301. Basic Form and Structure.

The basic form and structure of government provided in the Home Rule Charter and this Administrative Code is the Council/Manager form of government. As more fully described in the Home Rule Charter and this Administrative Code, the legislative powers and functions of the Township government shall be vested in and exercised by the Board of Supervisors. The Township Manager shall be the chief administrative officer of the Township, responsible to the Board of Supervisors for the administration of all Township affairs. The advisory boards and commissions perform advisory duties of a continuing nature in specific areas as designated by this Administrative Code.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-302. Flow of Information.

The flow of information, policy direction and activity coordination shall, in the case of administrative matters, be directed to and/or through the Township Manager. The flow of information in the establishment of policy shall always emanate from the Board of Supervisors to the Township Manager and administrative and advisory boards, when applicable.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-303. Chart of Government Organization.

The chart of government organization shall be as follows:

FERGUSON TOWNSHIP GOVERNMENT
TABLE OF ORGANIZATION

ELECTORATE:	VOTERS
ELECTED OFFICIALS:	Board of Supervisors Five Members 4-Year Terms, Overlapping
APPOINTED OFFICIALS:	Township Manager Legal Officer Chief of Police Public Works Director Planning and Zoning Director Finance Director

APPOINTED BOARDS,
COMMISSIONS:

Planning Commission
Zoning Hearing Board
Tax Review Board
Building and Housing Code Board of Appeals

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989; as amended by *Ord. 404*, 9/12/1989, §1; by *Ord. 653*, 6/3/1996, §2; by *Ord. 669*, 4/21/1997, §1; and by *Ord. 820*, 12/8/2003)

Part 4

Boards and Commissions

A. General Provisions; Administrative

§1-401. Purpose.

The commissions or boards specified in this Administrative Code have been or are hereby established for the proper and efficient conduct of municipal affairs. The purpose of these commissions or boards is to perform duties of a continuing nature in specific areas as designated by this Administrative Code, the Home Rule Charter or other ordinances of the Township.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-402. Establishment of Administrative Boards; Authority.

1. The commissions or boards designated in the following subparts have been previously established by ordinance or are established by this Administrative Code. Additional commissions or boards shall, from time to time, be established by ordinance as deemed necessary by the Board of Supervisors. However, no additional commissions or boards may be created until the Board of Supervisors has determined that the functions of the proposed commission or board cannot be feasibly performed by one or more of the existing commissions or boards.

2. Those commissions or boards in this Administrative Code have been or are hereby established within the requirements of the statutes of the Commonwealth of Pennsylvania and the laws of the Township of Ferguson. Those commissions or boards shall have authority only in the specific areas of responsibility granted to such bodies by the statutes of the Commonwealth of Pennsylvania, by this Administrative Code, by the Home Rule Charter or by other ordinances of the Township.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-403. Expenditure of Public Funds; Contracts.

No commission or board shall have the authority to spend Township funds unless provided for in the budget, specifically approved by the Board of Supervisors and subsequently approved by the Township Manager or a member of the administrative staff authorized to do so by the Manager. No commission or board shall have the power to enter into contracts unless otherwise provided by this Administrative Code.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-404. Appointment, Vacancies, Removal, Compensation and Term of Office of Members.

1. *Appointment.* The Board of Supervisors shall appoint the members of commissions or boards by a majority vote of all members of the Board of Supervisors. Appointments to fill vacancies shall be only for the unexpired portion of the term. Vacancies shall be filled by the Board of Supervisors within 60 days of notification from

the Chairman of the Board or Commission on which the vacancy occurs or upon receipt of a letter of resignation by the member. [Ord. 820]

2. *Removal.* Any member of a commission or board may be removed prior to the expiration of his appointed term by the Board of Supervisors or in accordance with the laws of the Commonwealth applicable to such board or commission.

3. *Compensation.* No member of any commission or board shall be compensated for his duties.

4. *Membership.* All members of boards and commissions shall be residents of the Township.

5. Any member of a commission or board may be removed prior to the expiration of his appointed term by the Board of Supervisors for failure to attend three consecutive meetings unless proper notification to the chairman of the respective commission or board is given. The chairman of the board or commission shall notify the Board of Supervisors of a member's lack of attendance.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003)

§1-405. Officers; Duties of Officers.

1. *Officers.*

A. *Chairman and Vice Chairman.* A Chairman and a Vice Chairman of each commission or board shall be elected by the members of each body in January of each year. Each such officer shall serve a 1 year term.

B. *Secretary.* The member of each administrative board may elect one of their own members or appoint an employee of the Township (to be designated by the Township Manager) to act as Secretary. The Secretary, if elected from the membership, shall serve a 1 year term.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-406. Meetings; Procedures for Meetings.

1. All meetings and hearings of commissions or boards shall be open to the public, unless otherwise permitted by law.

2. Regular meetings of commissions or boards shall be held on a designated day as established at annual organizational meetings. The first regular meeting in January of each year shall constitute the annual organization meeting of the commissions or boards.

3. Special meetings may be held as needed upon the call of the chairman or vice chairman, providing that appropriate notice of each meeting is given to each member and to the public in accordance with the statutes of the Commonwealth of Pennsylvania.

4. A quorum shall consist of at least a majority of all members of the commission or board.

5. The chairman or, in his absence, the vice chairman shall administer oaths and may compel the attendance of witnesses when required by law, in accordance with the provisions of the laws of the Commonwealth.

6. The secretary or his designee shall keep minutes of the commission or board proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

7. A file of all materials and decisions relating to each case shall be kept by the Secretary or his designee as part of the records of each board.

8. All records of administrative boards shall be public records, unless otherwise permitted by law.

9. All meetings of commissions or boards shall be conducted in an orderly fashion. (*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

B. Planning Commission**§1-411. Continuance of Commission.**

There shall be in and for the Township of Ferguson a Planning Commission, pursuant to the Municipalities Planning Code of the Commonwealth of Pennsylvania. (*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-412. Powers and Duties.

The powers and duties of the Planning Commission shall be only as prescribed in the Township Subdivision and Zoning Ordinances and in Article II of the Municipalities Planning Code of the Commonwealth of Pennsylvania.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-413. Membership.

1. The Planning Commission shall consist of seven members, each of whom shall be full-time residents and qualified electors of the Township. Each of the three wards of the Township shall be represented by at least one resident member so that at the time when the Board of Supervisors considers an appointment, if the currently serving members of the Planning Commission are from only two wards, then the members to be appointed must be from the unrepresented ward; provided, however, in the event that there shall not be a person who resides in the unrepresented ward who is willing to serve, then after a period of 60 days, the Board of Supervisors may appoint a person from a ward other than the unrepresented ward.

2. Each member of the Planning Commission shall be appointed for a term of 4 years.

3. The term of not more than two members shall expire each year.

4. Should a vacancy occur, the Board of Supervisors shall appoint a member to fill the vacancy only for the unexpired portion of the term. Such appointment shall be made within a period of 60 days after the vacancy occurs.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; as amended by Ord. 397, 6/27/1989, §2*)

C. Zoning Hearing Board

§1-421. Continuance of Board.

There shall be in and for the Township of Ferguson a Zoning Hearing Board pursuant to the Municipalities Planning Code of the Commonwealth of Pennsylvania. (*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-422. Powers and Duties.

The powers and duties of the Zoning Hearing Board shall be only as prescribed in Article IX of the Municipalities Planning Code of the Commonwealth of Pennsylvania. (*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-423. Employees; Appropriations.

The Zoning Hearing Board may, within the limit of funds appropriated by the Board of Supervisors, employ or contract for secretaries, clerks, legal counsel other than the Township Attorney, consultants, and other technical and clerical services subject to the Township Manager's approval.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-424. Membership.

1. The Zoning Hearing Board shall consist of five members, each of whom shall be full-time residents and qualified electors of the Township. Each of the three wards of the Township shall be represented by at least one resident member so that at the time when the Board of Supervisors considers an appointment, if the currently serving members of the Zoning Hearing Board are from only two wards, then the member to be appointed must be from the unrepresented ward; provided, however, in the event that there shall not be a person who resides in the unrepresented ward who is willing to serve, then after a period of 60 days, the Board of Supervisors may appoint a person from a ward other than the unrepresented ward.

2. Each member of the Zoning Hearing Board shall be appointed for a term of 5 years.

3. The term of one member shall expire each year.

4. Should a vacancy occur, the Board of Supervisors shall appoint a member to fill the vacancy only for the unexpired portion of the term. Such appointment shall be made within a period of 60 days after the vacancy occurs.

5. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of §906 of the Municipalities Planning Code, 53 P.S. §10906, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission

and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to §907 of the Municipalities Planning Code, 53 P.S. §10907, unless designated as a voting alternate pursuant to §906, 53 P.S. §10906. [*Ord. 820*]

(*Ord. 397, 6/27/1989, §1; as amended by Ord. 820, 12/8/2003*)

D. Tax Review Board**§1-431. Tax Review Board; Citizen Representation.**

In 1975 the Board shall appoint three citizens, one from the first ward for a term of 1 year, and one from the second ward for a period of 3 years and 1 from the third ward for a period of 5 years. In 1976 the Board shall appoint a citizen representative from the first ward for a 4 year term, in 1978 from the second ward for a 4 year term and in 1980 from the third ward for a 4-year term. This will complete the transition cycle. A normal schedule of appointing a citizen from each of the three wards at 2-year intervals for a term of 4 years shall be continued.

(Ord. 105, 4/13/1976; as amended by Ord. 820, 12/8/2003)

E. Building and Housing Board of Appeals**§1-441. Centre Region Building and Housing Code Board of Appeals Established.**

A Centre Region Building and Housing Code Board of Appeals is hereby established by virtue of Joint Articles of Agreement between the Townships of College, Ferguson and Patton, and the Borough of State College, a copy of which is marked "Exhibit A," attached hereto and made a part hereof.¹

(*Ord. 255, 3/8/1983, §1*)

§1-442. Powers and Duties of Board.

The Centre Region Building and Housing Code Board of Appeals shall hear all appeals under the International Building Code [Chapter 5, Part 1], National Electrical Code [Chapter 5, Part 2], International Property Maintenance Code [Chapter 5, Part 3], International Fire Code [Chapter 5, Part 4], International Mechanical Code [Chapter 5, Part 5], International Plumbing Code [Chapter 5, Part 6], International Residential Code [Chapter 5, Part 7] and International Fuel Gas Code [Chapter 5, Part 8], as adopted by the Township.

(*Ord. 255, 3/8/1983, §2; as amended by Ord. 820, 12/8/2003*)

§1-443. Officials Authorized to Execute Necessary Documents.

The Chairman or Vice Chairman and Secretary of the Board of Supervisors are hereby authorized to execute Joint Articles of Agreement for the establishment of a Centre Region Building and Housing Code Board of Appeals and any other documents to fulfill the purposes of this Part.

(*Ord. 255, 3/8/1983, §3*)

¹Editor's Note: The Joint Articles of Agreement between the Townships of College, Ferguson and Patton, and the Borough of State College, is on file among the official records of the Township in the Township office.

F. General Provisions; Advisory**§1-451. Purpose.**

The advisory boards and commissions specified in this Administrative Code have been or are hereby established for the proper and efficient conduct of municipal affairs. The purpose of these boards is to perform duties of a continuing nature in specific areas as designated by this Administrative Code, the Home Rule Charter or other ordinances of the Township.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-452. Establishment of Advisory Boards and Commissions; Authority.

1. The boards and commissions designated in the following subparts have been previously established by ordinance or are established by this Administrative Code. Additional boards shall, from time to time, be established by ordinance as deemed necessary by the Board of Supervisors. However, no additional boards may be created until the Board of Supervisors has determined that the functions of the proposed board cannot be feasibly performed by one or more of the existing boards.

2. The boards and commissions specified as being advisory boards or commissions in this Administrative Code have been or are hereby established within the requirements of the statutes of the Commonwealth of Pennsylvania and the laws of the Township of Ferguson to provide advice, guidance and recommendations to the Township Manager and the Board of Supervisors. No board designated as an advisory board shall perform administrative duties or have executive authority.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-453. Expenditure for Public Funds; Contracts.

No advisory board or commission shall have the authority to spend Township funds unless provided for in the budget, specifically approved by the Board of Supervisors and subsequently approved by the Township Manager or a member of the administrative staff authorized so to do by the Manager. No advisory board or commission shall have the authority to enter into contracts of any nature.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-454. Appointments, Vacancies, Removal, Compensation and Term of Office of Members.

1. *Appointment.* The Board of Supervisors shall appoint the members of commissions or boards by a majority vote of all members of the Board of Supervisors. Appointments to fill vacancies shall be only for the unexpired portion of the term. Vacancies shall be filled by the Board of Supervisors within 60 days of notification from the Chairman of the Board or Commission on which the vacancy occurs.

2. *Removal.* Any member of a commission or board may be removed prior to the expiration of his appointed term by the Board of Supervisors or in accordance with the laws of the Commonwealth applicable to such board or commission.

3. *Compensation.* No member of any advisory board or commission shall be compensated for his duties.

4. *Membership.* All members of boards and commissions shall be residents of the Township.

5. Any member of a Commission or Board may be removed prior to the expiration of his appointed term by the Board of Supervisors for failure to attend three consecutive meetings unless proper notification to the Chairman of the respective Commission or Board is given. The Chairman of the Board or Commission shall notify the Board of Supervisors of a member's lack of attendance.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-455. Officers; Duties of Officers.

1. *Officers.*

A. *Chairman and Vice Chairman.* A chairman and a vice chairman of each advisory board or commission shall be elected by the members of each board in January of each year. Each such officer shall serve a 1 year term.

B. *Secretary.* The members of each administrative board may elect one of their own members or appoint an employee of the Township (to be designated by the Township Manager) to act as secretary. The secretary, if elected from the membership, shall serve a 1 year term.

2. *Duties of Officers.*

A. *Chairman and Vice Chairman.* The chairman or, in his absence, the vice chairman shall preside at all meetings of an advisory board or commission, decide all points of order or procedure and perform any other duties required by the statutes of the Commonwealth of Pennsylvania or by the ordinances of the Township.

B. *Secretary.* The secretary or his designee shall conduct, at the direction of the advisory board or commission, all official correspondence of the board or commission; shall keep a record of each meeting or other official action of the board or commission; and shall perform all other duties required by the board or commission, by this Administrative Code, by the statutes of the Commonwealth of Pennsylvania or by the ordinances of the Township.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-456. Meetings; Procedures for Meetings.

1. All meetings and hearings of advisory boards and commissions shall be open to the public, unless otherwise permitted by law.

2. Regular meetings of advisory boards and commissions shall be held at least once a month on a designated day unless no matters are pending for consideration.

3. Special meetings may be held as needed upon the call of the chairman or vice chairman, provided that appropriate notice of each meeting is given to each member and the public in accordance with the statutes of the Commonwealth of Pennsylvania.

4. A quorum shall consist of at least a majority of all members of the board or commission.

5. The secretary or his designee shall keep minutes of the board's or commission's proceedings, showing the vote of each member upon each question or, if absent or

failing to vote, indicating such fact.

6. A file of all materials and decisions relating to all official actions of the board or commission shall be kept as part of the records of each board or commission.

7. All official records and files of each board and commission shall be kept in the Township business office and shall be public records unless otherwise provided by law or regulation.

8. All meetings of advisory boards and commissions shall be conducted in an orderly fashion and in accordance with the rules delineated in Robert's Rules of Order. (*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

G. Ad Hoc Boards**§1-461. Establishment and Purpose.**

Ad hoc boards may be established as deemed necessary by the Board of Supervisors in accordance with the requirements of the ordinances of the Township and this Administrative Code. Such boards shall be created only for specific and temporary purposes. The exact purpose of such boards shall be specified at the time each ad hoc board is created.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-462. Powers and Duties.

All ad hoc boards shall be advisory boards and, as such, they shall be advisory in nature and shall perform no administrative duties. Ad hoc boards shall have the authority and responsibility to seek findings of fact, express opinions or make recommendations in the specific areas of responsibility granted to such boards at the time of their establishment.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

Part 5

Bonds and Insurance

§1-501. Fidelity Bonds.

Bonds shall be approved by the Township Board of Supervisors on an annual basis. The bond of the Manager shall be a minimum of 5% of the total budgeted revenues, if commercially available.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; and as amended by Ord. 820, 12/8/2003*)

§1-502. Insurance Coverage.

The Township Manager shall submit reports to the Board of Supervisors, at least biennially, reviewing all Township coverage in all liability areas and recommending coverage deemed reasonable and prudent. Said areas shall include but not be limited to the following:

- A. Catastrophic liability insurance.
- B. Comprehensive business liability and damage insurance.
- C. Township property protection insurance.
- D. Professional police liability insurance.
- E. Workmen's compensation and employer's liability insurance.
- F. Public officials' and employees' indemnity insurance.
- G. Employee benefit insurance.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-503. Purchase of Bonds and Insurance.

As provided in §8.05.7 of the Home Rule Charter, competitive bidding shall not be required for contracts for insurance and surety bonds. The Township Manager shall, in the biennial insurance report required above, submit a recommendation concerning whether insurance or bonds should be purchased through a competitive bidding procedure or on a direct purchase basis.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

Part 6

Board of Supervisors

§1-601. General Provisions.

The powers, compensation, terms, election, eligibility, authority, prohibitions, and other matters concerning the elected Board of Supervisors are set forth in Article II of the Home Rule Charter for the Township of Ferguson.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-602. Compensation.

Each Supervisor shall receive a salary as set by the Home Rule Charter Article II, §2.06.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; and as amended by Ord. 820, 12/8/2003*)

§1-603. Indemnification and Personal Liability Insurance.

To protect the Township Supervisors from personal liability in the performance of their duties, indemnification and personal liability insurance shall be provided by the Township. The amounts and limits of said insurance will be determined in the annually approved insurance contracts as outlined in Part 5, "Bonds and Insurance," of this Administrative Code.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-604. Duties of Chairman and Vice Chairman.

1. The Board of Supervisors shall elect a Chairman and Vice Chairman, as provided in Article II, §2.12.

2. The Chairman, at the stated hour for each meeting, shall call the meeting to order. He shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with parliamentary rules contained herein, unless otherwise provided by statute.

3. If the Chairman is absent at the designated time for any meeting, the Vice Chairman shall call the meeting to order and preside.

4. In the absence of the Chairman and the Vice Chairman, the Board of Supervisors shall elect a Chairman Pro Tem, who shall have all the powers of the Chairman.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-605. Meetings.

Regular meetings of the Board of Supervisors shall be held in the Ferguson Township Municipal Building, or at other such location as may be designated by the Board of Supervisors. The regular meetings, date, time and location shall be established at the annual organizational meeting of the Board of Supervisors.

Adjourned and special meetings shall be called in compliance with Article II, §2.13 of the Home Rule Charter.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-606. Order of Business; Agenda.

The Township Manager shall prepare the agendas for all meetings of the Board of Supervisors and distribute copies of such agendas, with pertinent materials, to the Supervisors. The agenda will normally follow the order prescribed by the Board of Supervisors by resolution at the annual reorganization meeting.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; and as amended by Ord. 820, 12/8/2003*)

§1-607. Citizens Right to be Heard.

The Board of Supervisors shall provide reasonable opportunity for Township residents to address the Board of Supervisors on matters of general or special concern. This opportunity shall be afforded the public either at the regular monthly Board of Supervisors meetings or at another regular monthly meeting specially set for this purpose. A citizen who wishes to be heard will address the chair, state his name and address for the record and confine himself to the question under debate. A member of the public may be asked by the Chairman, should the orderly procedure of the meeting so require, to limit the time of his remarks. Further, the public shall have the right to submit agenda items to the Board of Supervisors for the next scheduled meeting. These agenda items are to be submitted at least 2 weeks prior to the scheduled meeting. Accepted agenda items are to be published as specified in §2.13 of the Home Rule Charter.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; and as amended by Ord. 820, 12/8/2003*)

§1-608. Rules of Procedure.

1. The current edition of "Robert's Rules of Order" shall be the official rules of procedure for the Board of Supervisors. The Solicitor shall be responsible for advising the Chairman of the Board of Supervisors on the application and interpretation of the rules of procedure.

2. The roll call of Supervisors shall be called alphabetically, when required by §2.19 of the Home Rule Charter. A Supervisor may request a roll call vote on any issue.

3. A Supervisor who is present at a meeting shall not abstain from voting unless he has disqualified himself from voting by reason of conflict of interest, which is a direct personal or pecuniary interest. A Supervisor shall not, however, be prevented from voting for himself for any office or other position, unless that position would entitle that Supervisor to compensation other than for actual expenses incurred as authorized by the Board of Supervisors.

4. No Supervisor shall address the Board of Supervisors until he has been recognized by the Chairman. He shall address himself thereupon to the Chairman and confine his remarks to the question under discussion.

5. The Chairman may, when he deems it necessary for the expeditious handling

of business, place a limit on the duration of time and number of times a Supervisor or any member of the public may speak on a motion or matter of business, upon the concurrence of the Board of Supervisors.

6. Members of the public may address the Board of Supervisors according to the direction and discretion of the Chairman in accordance with §2.20 of the Home Rule Charter. When a member of the public wishes to address the Board of Supervisors, he shall be requested, upon recognition by the Chairman, to state his name and address.

7. Any ruling by the Chairman may be overruled by a majority vote of the Board of Supervisors present and entitled to vote at a meeting.

8. Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security while in the meeting room may be removed by a Township Official or employee at the direction of the Chairman.

9. The voting procedure on appointments shall be as follows unless overruled by a majority of the entire Board of Supervisors:

A. The Secretary shall announce the position to be filled, the number of openings and the terms of each.

B. Any Supervisor may nominate one or more persons for consideration.

C. After nominations have been closed, the Board shall vote by roll call announced by the Secretary in alphabetical order.

D. Each Supervisor may vote for one or more of the persons nominated according to the number of positions to be filled.

E. No Supervisor shall cast more than one vote for any individual nominated.

F. If a majority of the entire Board of Supervisors has not voted for a particular individual for any position, then the nomination process shall start over again for that position.

10. Any decision made at a Centre Region Council of Governments general forum meeting, which commits the Township to the expenditure of funds in a calendar year other than the current year, shall require prior approval at a meeting of the Board of Supervisors.

(*Ord. 228, 4/27/1982, §1; as amended by Ord. 239, 9/28/1982; and by Ord. 258, 5/10/1983*)

§1-609. Committees.

To achieve maximum efficiency and to insure open communication lines with all facets of community life, the Board of Supervisors shall appoint committees from among its members as well as special committees:

A. Ad hoc committees shall be formed for a specific purpose and situation terminating upon completion of the assigned task.

B. Standing committees shall be available for any legislative problems relating to specific areas when desired and decided by a majority vote of the entire Board of Supervisors.

C. The operating rules set up by committees shall be approved by the Board of Supervisors. Each committee shall be appointed by a majority vote of the entire

Board of Supervisors.

D. *Centre Region Council of Government Committees (COG)*. As a member of the Centre Region Council of Governments, the committees of that body shall be represented by members of the Board of Supervisors as appointed by the Board of Supervisors at their annual organizational meeting. In the absence of the appointed Supervisor, the Supervisors may request another Supervisor or the Manager to attend the COG Committee meeting with full voting privileges. All Supervisors shall serve on at least one such committee.

(*Ord. 228, 4/27/1982, §3; as amended by Ord. 258, 5/10/1983, §2; and by Ord. 374, 1/10/1989*)

§1-610. Conduct.

Article II, §2.09, of the Township of Ferguson Home Rule Charter provides that "[a] supervisor shall forfeit his office if he lacks at any time during his term of office, any qualifications for the office prescribed in this Chapter, or by law or is convicted of a felony or a crime involving moral turpitude or fails to attend three consecutive regularly scheduled meetings in a 1 year period without being excused by the Board." In order to implement said provision of the Home Rule Charter, the Board of Supervisors shall employ the following established procedures:

A. Conviction of a Felony or Crime Involving Moral Turpitude.

(1) A member of the Board of Supervisors that is convicted of a felony or a crime of moral turpitude shall immediately forfeit his office upon such conviction becoming final and unappealable. The forfeiture shall be communicated to the Board of Supervisors in writing within 48 hours of such conviction becoming final and unappealable.

(2) The Chairman of the Board of Supervisors shall be responsible for providing notice to the Board of Supervisors at the first public meeting after the conviction of any member of the Board of Supervisors of a felony or crime involving moral turpitude becomes final and unappealable. In the event that the Chairman is convicted of such a crime, it shall be the responsibility of the Vice Chairman to provide notice to the remaining Board members in accordance with the procedure set forth above.

(3) Should the convicted member fail to forfeit his office immediately, and after notice to the Board of Supervisors at said public meeting, the Board shall consider a motion to petition the Pennsylvania Attorney General and/or the Centre County District Attorney to file a complaint in quo warranto against the convicted Supervisor to declare his office forfeited and vacant. The motion shall require a majority of a quorum of the Board of Supervisors.

B. Failure to Attend Three Consecutive Meetings.

(1) The Chairman of the Board of Supervisors shall be responsible for providing notice to the Board of Supervisors of the failure of any member of the Board of Supervisors to attend three consecutive regularly scheduled meetings of the Board of Supervisors without being excused by the Board. This notice shall be given by the Chairman at the next regularly scheduled Board meeting after the third unexcused absence occurs. In the event that the

Chairman fails to attend three consecutive regularly scheduled meetings of the Board of Supervisors, it shall be the responsibility of the Vice Chairman to provide notice to the remaining Board members in accordance with the procedure set forth above.

(2) Should the member fail to forfeit his office and, after notice to the Board of Supervisors at a public meeting, the Board may consider a motion to petition the Pennsylvania Attorney General and/or the Centre County District Attorney to file a complaint in quo warranto against the Supervisor to declare his office forfeited and vacant. The motion shall require a majority of a quorum of the Board of Supervisors.

(Ord. 758, 8/7/2000, §1)

Part 7

Departments of Government

A. General Provisions

§1-701. Organizational Function; Designation of Directors.

Operational departments of government shall be created or abolished by the Board of Supervisors. Within each department, however, the organization and implementation of specific functions shall be the responsibility of the department head, subject to the review and approval of the Township Manager.

(Ord. 711, 10/5/1998, §1)

§1-702. Establishment of Departments.

<p>1. <i>Department</i> Department of Administration Department of Finance Department of Planning and Zoning Department of Police Department of Public Works</p>	<p><i>Department Head.</i> Township Manager Finance Director Planning and Zoning Director Chief of Police Public Works Director</p>
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2. The following additional departments are hereby established to operate under the coordination of the Township Manager:

<p><i>Department</i> Department of Law</p>	<p><i>Department Head</i> Township Solicitor</p>
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(Ord. 711, 10/5/1998, §1)

§1-703. Appointment of Department Directors.

1. Heads of departments of the Township which operate under the direction and supervision of the Township Manager shall possess the necessary qualifications for their respective offices, as established by the Township Manager. They shall be appointed, removed or suspended in accordance with Article III, §3.03(1), of the Home Rule Charter.

2. The Board of Supervisors shall appoint the Township Solicitor for an indefinite term, subject to removal with or without cause. He shall be a person learned in the law, in active legal practice in the Commonwealth of Pennsylvania and licensed to practice law in the Commonwealth.

(Ord. 711, 10/5/1998, §1)

§1-704. Functions and Responsibilities of Department Directors.

Each department of the Township which operates under the direction and supervision of the Township Manager shall:

- A. Cooperate with other departments in furnishing such services, labor and materials as may be requisitioned by the heads of such other departments, subject

to such regulations as the Township Manager may prescribe.

B. Establish, maintain and preserve a system of filing and indexing records and reports in sufficient detail in order to furnish all information necessary for proper control of departmental activities and in order to form a basis for periodic reports to the Township Manager.

C. *Duties of Directors of Departments.* Under the direction of the Manager, each department director shall:

(1) Direct the performance of all duties and responsibilities of his department or its subordinate agencies as provided by statute and Home Rule Charter, this Administrative Code or other ordinances of the Township and such other duties not in conflict therewith as may be required by the Manager.

(2) Be immediately responsible to the Manager for the effective administration of his department and all activities assigned to it.

(3) Subject to provisions of the Home Rule Charter and personnel regulations, appoint, suspend, discipline, evaluate and remove employees within their respective departments.

(4) Prescribe the internal organization of the department and the duties of subordinate officers and employees of the department with the approval of the Manager.

(5) Assign functions, powers and duties of the subordinate officers and employees within the department and modify assignments as needs appear.

(6) Supervise the work of the department through the provisions stated in this Administrative Code and such other organizational methods as the director may find necessary or desirable and supervise and direct the work of the employees of the department.

(7) With the approval of the Manager, delegate such of his powers as he may deem necessary for efficient administration.

(8) Provide, under the direction and with the approval of the Manager, to any department or subordinate agency such service, labor, materials and equipment as may be requisitioned by such department or subordinate agency.

(9) Submit monthly and annual reports to the Manager of the activities of their department and such other reports as the Manager may require.

(10) Maintain all departmental records.

(11) Be responsible for the proper custody and maintenance of all Township property and equipment used in their department, unless specifically assigned to another department head by the Manager.

(Ord. 711, 10/5/1998, §1)

B. Functions of Departments**§1-711. Department of Administration.**

The Department of Administration shall be responsible for all activities relating, but not limited, to the following functions:

- A. Responsibility for supervising and directing all departments of the Township assigned to the Township Manager consistent with the Home Rule Charter.
- B. All other duties, responsibilities and obligations assigned to the Township Manager consistent with the Home Rule Charter and this Administrative Code.
- C. Personnel management.
- D. Labor relations and negotiations.
- E. Community communications and cable television.
- F. Public relations programs.
- G. Community group and service liaison.
- H. Intergovernmental relations and contracts.
- I. In-service training programs.
- J. Records management. [*Ord. 820*]

(*Ord. 711, 10/5/1998, §1; as amended by Ord. 820, 12/8/2003*)

§1-712. Department of Police.

The Department of Police shall be responsible for all activities relating, but not limited, to the following functions:

- A. General preservation of public order.
- B. Prevention and suppression of crime.
- C. Apprehension of violators of the law.
- D. Protection of life and property.
- E. Traffic and pedestrian control and safety.
- F. Investigation of crimes.
- G. Maintenance of police records and files.
- H. Coordination of police programs and services with other agencies.
- I. All other responsibilities and obligations that the Township Manager may from time to time assign consistent with the Home Rule Charter and this Administrative Code.

(*Ord. 711, 10/5/1998, §1; as amended by Ord. 820, 12/8/2003*)

§1-713. Department of Public Works.

The Department of Public Works shall be responsible for all activities relating, but not limited, to the following functions:

- A. Maintenance of Township buildings, equipment and facilities, rights-of-way and property.

- B. Construction and maintenance of streets and storm sewers.
- C. Erection and maintenance of parking and traffic control signals, signs and street markings.
- D. Coordination and direction of refuse and debris removal and disposal. [Ord. 820]
- E. Supervisor of all engineering matters of the Township.
- F. Planning, design, contract administration, inspection and coordination of Township projects. Oversight of private development projects where the improvements are built for Township ownership.
- G. All other responsibilities and obligations that the Township Manager may from time to time assign consistent with the Home Rule Charter and this Administrative Code.

(Ord. 711, 10/5/1998, §1; as amended by Ord. 820, 12/8/2003)

§1-714. Department of Planning and Zoning.

The Department of Planning and Zoning shall be responsible for all activities relating, but not limited, to the following functions:

- A. Administration and enforcement of the Township Zoning Ordinance [Chapter 27], Land Development Ordinances [Chapter 22] and other ordinances as assigned by the Board of Supervisors or the Township Manager.
- B. Administrative coordination of long range planning and community development programs.
- C. Technical and staff review assistance to the Planning Commission.
- D. Technical and staff review assistance to the Zoning Hearing Board.
- E. Preparation and/or supervision of all mapping used by the Township for zoning, land use or long-range planning through the use of the latest technology.
- F. All other responsibilities and obligations that the Township Manager may from time to time assign consistent with the Home Rule Charter and this Administrative Code.

(Ord. 711, 10/5/1998, §1)

§1-715. Department of Law.

The Department of Law shall be responsible for all activities relating, but not limited, to the following functions:

- A. Furnishing legal advice to the Board of Supervisors, to the Township Manager and all Township Departments, officers and agencies, except as provided otherwise by this Administrative Code or the laws of the Commonwealth of Pennsylvania, concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties.
- B. To prepare, revise and advertise for public hearing ordinances when requested by the Board of Supervisors or the Township Manager. [Ord. 820]
- C. To give his written opinion on any legal matter or question submitted to him by the Board of Supervisors or the Township Manager.

D. To attend all regularly scheduled Board of Supervisors meetings and any other meetings at which his presence is requested by the Board of Supervisors.

E. To prepare for execution all contracts and instruments to which the Township is a party and approve as to form all bonds required to be submitted to the Township.

F. To represent the Township in all legal actions brought by or against the Township except as provided otherwise by the laws of the Commonwealth of Pennsylvania.

G. To keep records and to deliver all records, documents and property of every description in his possession, pertinent to his work as Township attorney, to his successor in office.

H. To perform all other legal services requested by the Board of Supervisors or the Manager pertaining to Township affairs.

(*Ord. 711, 10/5/1998, §1; as amended by Ord. 820, 12/8/2003*)

§1-716. Department of Finance.

The Department of Finance shall be responsible for the general financial administration of the Township. The Department shall be responsible for the following:

- A. Tax and revenue collection.
- B. Accounting and expenditure control.
- C. Payroll administration and control.
- D. Insurance programs.
- E. Pension administration.
- F. Budget preparation and control.
- G. Capital budgeting program.
- H. Internal auditing.
- I. Purchasing system.
- J. Property and inventory control.
- K. Staff assistance to independent auditors.
- L. General supervision over all taxables and property management of records.
- M. Coordinating and maintaining for all departments information technology systems, computer hardware and software and appurtenances.
- N. All other responsibilities and obligations that the Township Manager may, from time to time, assign consistent with the Home Rule Charter and this Administrative Code.

(*Ord. 711, 10/5/1998, §1*)

Part 8

Code of Ethics

§1-801. Statement of Principles.

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every public official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid and whether elected or appointed, will uniformly:

- A. Treat all citizens with impartiality, fairness, and equality under the law.
- B. Avoid both actual and potential conflicts between his private self-interest and the public interest.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-802. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Financial Interest - any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee. "Financial interest" shall not include cases where the official or employee is a party to or is associated with a party to a transaction with the Township when such official or employee has no possible influence in the transaction.

Official or Employee - any person elected or appointed to, or employed or retained by, any public office or public body of the Township, whether paid or unpaid and whether part-time or full-time.

Party - a person, firm, corporation, or other entity participating in and intending to participate in any transaction with the Township in any manner which would give the person, firm, corporation, or entity a personal or financial interest in the transaction.

Personal Interest - any interest arising from blood or marriage relationships or from close business associations, whether or not any financial interest is involved.

Public Body - any agent, board, body, commission, committee, department, or office of the Township.

Transaction - includes, but is not limited to, any proceeding, application, submission, request for ruling or other determination, contract, lease, claim, case award, decision, judgment, or legislation, including ordinances and resolutions.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-803. Fair and Equal Treatment.

No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is in the general practice to

grant or make available to the public at large.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-804. Conflicts of Interest.

1. *Financial or Personal Interest.* No official or employee, either on his own behalf or for any other person, shall have any financial or personal interest in any transaction with any public body.

2. *Disclosure and Disqualification.* All officials and employees shall, upon taking office, file a financial disclosure statement of all areas of financial interest or personal interest as set forth by the Commonwealth State Ethics Act, Act 120 of 1978, as amended, or may be amended from time to time. Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberation as well as in the voting.

3. *Incompatible Employment.* No official or employee shall engage in private employment with or render service for any party in connection with any transaction with any public body. Except where authorized by law, no official or employee shall hold any other position as an official or employee during the term for which he was elected or appointed to his present office, and no former official or employee shall hold any appointive compensated position as an official or employee until 1 year after the expiration of the term for which he was elected or appointed. No official or employee shall be prohibited, under this subsection, from serving on any public body or on any intergovernmental agency or council of government which would be in furtherance of his duties and responsibilities as an official or employee, but no additional pay shall be received for any such services. This subsection shall not prohibit the Township Manager from serving as the Township Secretary or Treasurer simultaneously.

4. *Representation of any Party.* No official or employee shall appear on behalf of any private person, other than himself, before any public body, except by issuance of a subpoena issued by a court having jurisdiction over the subject matter at issue.

5. *Gifts and Favors.* No official or employee shall accept any gift, whether in the form of money, thing, favor, loan, or promise, that would not be offered or given to him if he were not an official or employee, except that food or drink consumable at one meal shall not be considered a gift or favor.

6. *Confidential Information.* No official or employee shall use or permit the use of any confidential information acquired by him through his position as an official or employee to advance the financial or personal interest of himself or any other person or entity.

7. *Service as Attorney.* No official or employee shall serve as attorney for a public body during the period that he serves as an official or employee and for 1 year thereafter. This shall not prohibit the Township Attorney from serving any public body in the Township where he is the attorney.

8. *Township Attorney.* The Township Attorney or his firm shall not be permitted to serve a party in any matter in which the Township is an adverse party. The Township Attorney shall guard against conflicts of interest and shall promptly inform the Board of Supervisors of any potential conflict of interest which he may have in any

particular matter.

9. *Purchases or Sales by Officials or Employees.* No official or employee shall be a purchaser in any sale involving the Township, except by sealed or competitive bid, nor shall an official or employee be a vendor, directly or indirectly, of any item purchased by him in his official capacity, including a purchase or sale by a parent, spouse, child, brother, sister, or like relative-in-law or by any person, firm, partnership, corporation, business association, trustee or straw party for or on behalf of such official or employee in compliance with §8.06 of the Home Rule Charter.

10. *Independence of Judgment.* No official shall accept other employment or receive any compensation or make any investments that would impair his independence of judgment in the performance of his duties as an official or employee.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-805. Voiding of Transactions in the Case of Violations.

Every transaction made in violation of the provisions of this Chapter may be voided at the insistence of any party to the transaction, except the official or employee interested therein, upon written election thereof delivered to the Township Manager before the transaction is completed or within 90 days after completion. No such transaction may be voided because of the interest of an official or employee unless such transaction is made in the official capacity of such official or employee, by a public body of which he is an official or employee or on the recommendation of a public body of which he is an official or employee.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-806. Violations and Penalties.

Subject to due process of law, any official or employee who violates any provision of this Chapter may be disqualified from being an appointed official or employee in the Township for 4 years after the date of the transaction in which the violation occurs. If the violation occurs while he is serving as an appointed official, he may be removed from his position as an appointed official by a majority vote of the Board of Supervisors subject to procedural and substantive procedure of law. If the violation occurs while he is serving as an employee, he may be removed from his position as an employee by the Township Manager all in accordance with the statutes of the Commonwealth of Pennsylvania.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-807. Financial Disclosure Statement Procedure.

1. As required by the Commonwealth of Pennsylvania State Ethics Act, Act 170 of 1978, a statement of financial interest shall be filed in accordance with the statute.

2. The Township Manager shall maintain a file of all disclosure statements, which shall be available for public inspection at reasonable times in the Township office. The Manager shall also maintain a register, also available for public inspection, of the name and address of each person requesting inspection and the date the inspection was made.

3. The Township Manager shall distribute standard forms for the financial disclosure statement. No disclosure statements shall indicate dollar or other value of

an interest. The financial disclosure statement shall be the standard form used by the State Ethics Commission.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

Part 9

Fiscal Affairs

§1-901. Annual Operating Budget.

Preparation and adoption of the annual budget shall be accomplished in accordance with Article VII, §§7.01 through 7.09, of the Home Rule Charter.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-902. Capital Improvement Program Budget.

1. The Township Manager shall prepare and submit annually to the Board of Supervisors a 5 year capital improvement program at least 3 months prior to the final date for submission of the annual operating budget.

A. The capital improvement program shall include:

(1) A general summary of its contents.

(2) A list of all capital improvements which are proposed to be undertaken during the 5 years next ensuing, with appropriate supporting information as to the necessity for such improvements.

(3) Cost estimates, method of financing and recommended time schedules for each such improvement.

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

B. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

2. The Township Manager shall publish in one or more newspapers of general circulation in the Township the general summary of the capital improvement program and a notice stating:

A. The times when and places where copies of the capital improvement program are available for inspection by the public.

B. The place and time, not less than 2 weeks after such publication, for a public hearing on the capital improvement program.

3. The Board of Supervisors, by resolution, shall adopt the capital improvement program, with or without amendment, after the public hearing. Elements of the capital improvement program will not become appropriations until included in the annual budget adopted by ordinance.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-903. Claims Procedure; Payment of Funds.

1. Payment of funds shall require specific approval of the Board in accordance with the provisions of the Budget.

2. All checks or drafts of the Township shall be signed by the Manager, except those in excess of \$3,000, which must be countersigned by the Chairman or Vice-

Chairman of the Board of Supervisors. [Ord. 820]

3. All claims, prior to payment, shall be accompanied by a properly approved invoice, receipted purchase order or other acceptable evidence that the claim is properly due.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; as amended by Ord. 375, 1/10/1989; by Ord. 551, 2/15/1993, §1; and by Ord. 820, 12/8/2003)

§1-904. Borrowing, Debt Limits and Investments.

1. Borrowing and nonelectoral debt limits are regulated in accordance with laws of the Commonwealth of Pennsylvania and the Home Rule Charter.

2. The Township Manager or his designated agent shall have full authority to invest, redeem, and reinvest funds available for but not immediately required for municipal operations in a separate Township account or in a municipal funding pool; provided that such authority shall be exercised only within the limits of programs previously approved by the Board of Supervisors. Such investments shall be made only in securities backed by the full faith and credit of the United States Government, by the Federal Deposit Insurance Corporation, by the Federal Savings and Loan Insurance Corporation or by the pledges of assets of the type and valuation provided under the laws of the Commonwealth of Pennsylvania. Temporary investments may also be made in bank certificates of deposit supported by fully pledged collateral and repurchase agreements for United States Government or other allowable securities. It shall be the responsibility of the Township Manager to maximize investment revenues consistent with applicable laws and minimum investment risk.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-905. Administrative Purchasing System.

1. *General Provisions.* The Township Manager shall establish and administer a purchasing system which shall provide the regulations, policies, and procedures covering the acquisition of goods and services by the Township, subject to the provisions of this Administrative Code. Such purchasing system shall cover all purchases made by the municipality except those specifically excluded in §805 of the Home Rule Charter.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

§1-906. Competitive Bidding System; Rules and Regulations.

1. *Definitions.* As used in this Section, the following terms shall have the meanings indicated:

Best Responsible Bidder - a responsible bidder who, in a competitive bidding situation, submits a bid which, as finally determined by the Board of Supervisors, is the best bid available in terms of price, product and/or service quality, adherence to specifications, timeliness of delivery, serviceability and maintenance, and other factors that the Board of Supervisors may establish.

Board of Supervisors - the Ferguson Township Board of Supervisors, as provided for in the Home Rule Charter of the Municipality.

Home Rule Charter - the Charter of the Municipality, as approved by electors

of Ferguson Township, 1974, with amendments, if any, thereafter lawfully adopted and approved.

Manager - the municipal Manager, as provided for in the Home Rule Charter of the Municipality.

Municipality - the Township of Ferguson, Pennsylvania.

Person - any natural person, partnership, association, firm, corporation, governmental body or agency or other entity.

Purchasing Authority - the Ferguson Township Manager or his designee.

Responsible Bidder - a bidder who is considered responsible either through previous experience in business dealings with the Township or through an investigation of the credit, reliability and performance of the bidder and not disqualified by the purchasing authority.

2. *Subject and Exempt Purchases.* Competitive bidding shall be required on all contracts for equipment, services and construction with an estimated value in excess of \$25,000. Purchases subject to and exempt from the competitive bidding system are covered in §805 of the Home Rule Charter.

3. *Authorization to Bid.* Appropriation for the purchase of goods or services in the annual budget, as adopted by the Board of Supervisors, shall constitute authorization for the Manager to enter competitive bidding for such purchase.

4. *Responsible Bidders List.* The purchasing authority shall cause to be established and maintained a bidders list for each type of goods or service purchased by the Township. Inclusion on the bidders list shall signify that a bidder is considered responsible either through previous experience in business dealings with the Township or through an investigation of the credit, reliability and performance of the bidder. Once qualified as responsible, a bidder shall remain on the bidders list indefinitely unless removed by reason of disqualification.

5. *Disqualification of Bidders.*

A. A bidder may be disqualified by the purchasing authority for reasons including, but not limited to, the following:

(1) Documentation of unsatisfactory performance by the bidder or of unsatisfactory goods or service provided by the bidder to the Township or to other municipalities.

(2) Failure to submit a bid on two successive occasions.

(3) False or misleading statements about a product or service.

(4) An attempt by a bidder to influence the purchase of goods or services by the Township through a gift, gratuity, favor or benefit, or promise thereof, to a Township officer or employee.

(5) Collusion with another bidder in an attempt to regulate the price, quality, or availability of goods or services to the detriment of the Township.

(6) An apparent lack of capacity to perform the contract.

(7) An unsatisfactory record of performance (either with the Municipality or other agencies) in prior contracts.

(8) Failing to promptly supply information, bonds and documentation

requested by the Municipality.

B. Upon disqualification, a supplier shall be removed from the responsible bidders list until re-qualified. Such requalification shall consist of reasonable proof that the cause for disqualification shall not recur.

6. *Invitation to Bid.* When it is determined that a purchase is to be made through competitive bidding, an invitation to bid shall be sent by mail or e-mail to all vendors appearing on the bidders list for the item to be purchased. The invitation shall include:

- A. A basic description of the item to be purchased.
- B. The quantity to be purchased.
- C. The method by which specifications and bid documents may be obtained.
- D. The date, time and place of the bid opening.
- E. Any other specific requirements.

7. *Publication Requirements.* A copy of the invitation to bid, or a summary setting forth the principal-provisions in reasonable detail with a reference to a place within the Township where copies of the complete invitation to bid are available shall be placed in a legal advertisement published in a newspaper of general circulation in the Township. The legal advertisement shall appear no later than 14 days prior to the scheduled bid opening.

8. *Specifications.* Specifications shall be prepared for all purchases made through competitive bidding. Specifications shall consist of a specific, complete, and accurate description of the item to be purchased, the performance requirements and conditions and terms of purchase. Specifications shall be clearly worded but shall not be so specific or strict as to effectively eliminate acceptable products from competition. When bids are sought for the erection, construction or alteration of any public building or facility, the purchasing authority may have separate specifications prepared for any one or more of the phases, parts, sections or internal or external systems of the work and, when this is done, separate bids may be required for each of those parts of the work. The contract may be awarded to the lowest responsible bidder for each of those branches or parts or on the basis of the lowest total price. If a maintenance bond is to be required before a contract is awarded, the amount, manner and form shall be prescribed in the specifications. All specifications for construction contracts with the Township shall include a requirement for performance, labor, and material man's bonds.

9. *Bid Security.* A bid security may be required for any purchase made by the Township and shall be provided in an amount, manner and form prescribed by the purchasing authority. Bid security may be in the form of a certified check, cashiers check or bid bond. The bid security of the best responsible bidder, as determined by the Board of Supervisors, shall be forfeited to the Township if the product or service purchased is not delivered as required in the specifications.

10. *Bid Procedure.*

A. *Sealed Bids.* All bids shall be firmly sealed in an envelope and labeled so as to indicate the specific purchase for which the bid is submitted and the scheduled date and time of the bid opening. Bids shall be opened at the appointed time by the purchasing authority or his designated Township employee. All bids shall be opened in public. Any bids received after the bid opening has commenced shall be returned to the bidder unopened. Upon completion of bid opening, the bid

will be analyzed and tabulated by the Township Manager or his designated Township employee for conformance with the specifications and a recommendation by the Township Manager will be made to the Board of Supervisors as to the best responsible bid.

B. *Award of Contracts.* Contract awards by the Board of Supervisors (the Board) shall be made at an advertised public meeting. The following shall apply to the Board awards:

(1) Awards shall normally be made to the lowest responsible bidder. However, the Board, upon recommendation of the purchasing authority, shall have the right to take into consideration such other factors as delivery date, quality of service, length of warranty, etc.

(2) The Board shall have the authority to waive minor irregularities and defects when the best interests of the Township would be served.

(3) The Board shall have the authority to accept or reject any and/or all bids or to hold all bids for 45 days or until the next regular Board meeting.

(4) If two or more of the lowest bids received are for the same total amount or unit prices and the quality, delivery date and service capability are equal, the contract may be awarded to the bidder with business offices in the Township or as an alternative, the purchasing authority may break ties by requesting each of the equal low bidders to submit, in writing, their lowest and final bid. Said bids shall be opened in public and each of the bidders shall be informed of the time and place of said opening.

(5) A tabulation of bids shall be made available for public inspection.

C. *Competitive Electronic Auction Bidding.*

(1) *Conditions of Use.* Notwithstanding any other provision of this Part concerning the requirements for competitive bidding for purchases and contracts, if the purchasing authority determines that use of competitive electronic auction bidding is in the Township's best interest, a contract for supplies and services, but not for construction or design professional services, may be entered into by competitive electronic auction bidding.

(2) *Invitation for Bids.* An invitation for bids shall be issued and shall include a procurement description and all contractual terms, whenever practical, and conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

(3) *Public Notice.* Public notice and advertisement of the invitation for bids shall be given in the same manner as provided in subsection .7 of this Section.

(4) *Auctions.* Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, each bidder shall have the capability to view their bid rank or the low bid price. Bidders may reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

(5) *Award of Contracts.* Contracts required to be awarded by the Board of Supervisors shall be made at an advertised public meeting in accordance

with subsection .12 of this Section. Bids conducted by electronic bidding shall be awarded within 60 days of the auction date.

11. *Exceptions.*

A. Contracts or purchases made by the Municipality involving an expenditure of more than \$25,000 to which this Section shall not apply, unless the Board of Supervisors shall otherwise direct in a specific instance shall include:

(1) Those for maintenance, repair or replacement of the public works of the Municipality, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment.

(2) Those made for improvements, repairs and maintenance of any kind made or provided by the Municipality through its employees, except that all materials used for street construction, maintenance or improvement in excess of \$25,000 shall be subject to the provisions of this Section.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, vehicles or parts which are patented, manufactured or copyrighted, cannot reasonably be acquired from more than one vendor.

(4) Those involving any purchase of insurance or surety bond; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission; those made with the Federal government, the Commonwealth of Pennsylvania or any subdivision thereof, including the sale, lease or loan of any supplies, materials, equipment or services by the Commonwealth, the Federal government or their subdivisions. The price charged to the Municipality shall not be in excess of that fixed by the Commonwealth, the Federal government or their subdivisions.

(5) Those involving personal or professional services.

(6) Those made for improvements, repairs and maintenance of any kind of property of the Municipality for labor, materials or profits and overhead, entered into with any organization which is engaged in rehabilitative or job training programs and such organization receives State or Federal funding for such purposes.

(7) Those involving the purchase of equipment and services related to computer software, technology, and information systems. The purchase of equipment and services related to computer software, technology, and information systems shall be made on the basis of best value procurement. Contracts under best value procurement shall be made only after the Township has solicited proposals based on performance and outcome specifications developed by the Township and describing, at minimum, the objectives to be met by the system, the tasks to be performed by the system, the users of the system, system security issues, the time frame for system implementation, potential operating technologies, compatibility with existing systems, training and maintenance, and shall indicate the process by which the contract shall be awarded. Best value procurement shall not require a sealed bid process, and shall permit the Township to negotiate the terms of the agreement with any responsive and responsible vendor. Any contract for the procurement of equipment and services related to computer software, technology, or information systems in excess of \$25,000 shall be awarded by the Board of Supervisors

at a public meeting.

B. Purchases less than \$25,000 shall adhere to the following procedure:

(1) Purchases greater than \$10,000 and less than \$25,000 shall be required to be accompanied by three written or verbal quotes for the item(s) to be purchased.

(2) All purchases of \$1,000 or more shall be accompanied by a purchase order issued prior to the purchase being made.

12. *Bid Award.* The Board of Supervisors shall review the recommendation of the Township Manager and may award a contract to the best responsible bidder. All such awards shall be made in a public meeting by a majority vote of the Supervisors present. The Board of Supervisors shall at all times reserve the right to reject any and all bids received or to waive any informalities in the bids received if said informalities do not conflict with this Administrative Code or the Home Rule Charter.

13. *Filing of Bids.* The Township Manager shall maintain on file all bids received for a period of not less than 3 years and shall make such files available for public inspection upon request.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003; by Ord. 875, 12/11/2006, §1; and by Ord. 918, 3/2/2009, §2*)

§27-907. Emergency Purchases.

1. When emergency circumstances, as set forth in §805 of the Home Rule Charter, require that a purchase be made within a limited period of time so as to preclude the competitive bidding process, the purchasing authority may waive the bid requirement and authorize an emergency purchase. Such emergency purchases shall be limited to situations where:

A. Delay in making the purchase would present a threat to the health, safety or welfare of the residents of the Township.

B. The purchase is required by unforeseen circumstances and delay would seriously hinder the effective delivery of essential Township services.

C. There are no feasible alternatives to the emergency purchase.

2. Every effort shall be made to provide competitive conditions during the emergency purchase. Quotations should be obtained from as many vendors as possible although such quotations may be oral in nature. As soon as possible after becoming aware of the need for an emergency purchase, the Township Manager shall advise the Chairman or, in his absence, the Vice Chairman of the Board of Supervisors. All emergency purchases shall be reported to the Board of Supervisors at the next regularly scheduled meeting.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989; and by Ord. 918, 3/2/2009, §3*)

§1-908. Sale of Municipal Equipment and Supplies.

Upon authority of the Board of Supervisors, the Township Manager shall have the authority to dispose of unneeded, obsolete or surplus equipment or supplies with a sale value of less than \$10,000 in the manner most beneficial to the Township. Sale of equipment or supplies with a sale value of more than \$10,000 shall be sold with the approval of the Board of Supervisors through the competitive bidding process, except

that competitive bidding shall not be required for the sale of equipment, supplies, or services to other political subdivisions.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989; as amended by *Ord. 820*, 12/8/2003; and by *Ord. 875*, 12/11/2006, §2)

§1-909. Independent Audit.

In accordance with §7.11 of the Home Rule Charter, the Board of Supervisors shall appoint, for the purpose of an independent annual audit of all Township revenues, expenditures, and accounts, a certified public accountant or a certified public accountant firm for each fiscal year not later than February 15 of each succeeding year.

(*Ord. 105*, 4/13/1976; as revised by *Ord. 374*, 1/10/1989)

§1-910. Expenses.

Elected or appointed Township officers, employees and delegates shall be paid by the Township the actual expenses incurred, or in place of transportation expenses, mileage at a rate to be set by resolution of the Board of Supervisors from time to time, when authorized by the Board of Supervisors to attend meetings, conferences, institutes and schools, in order to discuss and resolve the various questions arising in the discharge of the duties and functions of the respective officers, employees and delegates, and to provide uniform, efficient and economical methods of administering their Township duties.

(*Ord. 105*, 4/14/1976, Art. VIII, §801; by *Ord. 212*, 4/14/1982; by *Ord. 227*, 3/23/1982, §2; and by *Ord. 820*, 12/8/2003)

Part 10

Ordinances and Codes

§1-1001. General Provisions.

Ordinances shall be adopted by the Board of Supervisors in accordance with the provisions of Article II of the Home Rule Charter and this Part of the Code. This Part contains certain provisions pertaining to the adoption of ordinances and codes by reference which are not covered under Article II of the Home Rule Charter or which are expansions of the provisions of Article II.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-1002. Ordinance Adoption Procedures Generally.

1. All ordinances proposed for adoption shall be submitted in writing to each Supervisor at least 48 hours prior to the time when the ordinance is to be considered for adoption. Ordinances requiring prior public notices as provided in §2.21 of the Home Rule Charter shall be submitted to each Supervisor at least 48 hours prior to the time when such ordinance is to be finally introduced.

A. For the purposes of this subsection "submission" shall be deemed to mean delivery to the Supervisor's residence.

B. The time requirements of this subsection may be waived by action of a majority of the Supervisors present and entitled to vote at a meeting open to the public.

2. Any public notice of a hearing to be held with respect to the adoption of an ordinance shall specify the place where copies of such ordinance are available for public examination during reasonable hours.

3. Each ordinance, when introduced, shall be assigned a bill number by the Township Manager. The bill, if adopted, shall then be assigned a chronological ordinance number. The assignment of the final ordinance number need not be done during a public meeting.

4. The minutes of a meeting at which an ordinance is introduced may identify such ordinance by bill number and title only. A permanent record of all ordinances introduced shall be kept, in chronological bill number order. This record of bill numbers (ordinances introduced) shall contain a statement as to the disposition of each bill, including the ordinance number assigned upon final adoption, if such is the case.

5. Ordinances shall be published after final adoption, such as provided in §2.27 of the Home Rule Charter. If such publication consists only of the title or a general summary of the substance of the ordinance, the title or summary shall be of sufficient content to provide reasonable public notice of the general purpose and effect of the ordinance. The publication shall also specify the place where copies of the ordinance are available for public examination during reasonable hours.

6. Ordinances shall take effect as provided in §2.23 of the Home Rule Charter or as may be specifically provided in the laws of the Commonwealth of Pennsylvania; provided, however, that no ordinance shall take effect immediately with respect to any

person upon whom personal service is made, unless otherwise stated by the laws of the Commonwealth or the Home Rule Charter.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-1003. Adoption of Codes and Standards by Reference.

1. The Board of Supervisors may adopt by reference any nationally recognized and/or professionally prepared code or standard, in whole or in part, by adoption of an ordinance specifying:

- A. The title of the code or standard.
- B. The name of the agency or professional person or organization responsible for the preparation of the code or standard.
- C. The date of publication or preparation of the code or standard.
- D. The general content and purpose of the code or standard.

2. Any amendments, deletions, or insertions to be made in a code or standard adopted by reference shall be described in the ordinance adopting the code or standard, and any penalty shall be specifically set forth.

3. Upon introduction of an ordinance adopting a code or standard by reference, at least two copies of such code or standard, marked so as to indicate any amendments, deletions or insertions shall be placed on file in the office of the Township Manager, available for public use and examination. Upon final adoption of the ordinance, one of the two copies of the code or standard shall be kept on file in the office of the chief code enforcement officer for the code or standard. As much as is possible, the Township shall make available to the general public, at a reasonable charge, copies of such codes or standards.

4. The public notice of adoption of any ordinance adopting by reference a code or standard shall specify the title of said code or standard, indicating its general content and purpose, specify whether or not any changes are being made in said code or standard and designate the place where copies of said code or standard are on file for public examination during reasonable hours.

(*Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989*)

§1-1004. Ordinance Codifications.

1. In accordance with the provisions of §2.26 of the Home Rule Charter, the Board of Supervisors shall provide for the codification of all general and permanent ordinances of the Township. Such codification shall be adopted by reference, by an ordinance duly enacted by the Board of Supervisors. The adopting ordinance may provide for the repeal of all ordinances of a general and permanent nature not included in the codification, saving from repeal such ordinances as may be desired, or the adopting ordinance may provide for the repeal of specific ordinances.

2. The ordinance adopting a codification by reference shall be deemed to validate any nonsubstantive organizational, numbering, and stylization changes and grammatical corrections required in the preparation of the codification, any substantive textual changes to previously adopted ordinances and any new ordinances which may be authorized by the Board of Supervisors during the process of codification.

3. At least two copies of the codification shall, upon introduction of the adopting

ordinance, be placed on file in the office of the Township Manager and shall remain there on file for public use and examination during the time when such codification is in effect. Copies of the codification shall be made available for purchase by the general public at a reasonable charge.

(Ord. 105, 4/13/1976; as revised by Ord. 374, 1/10/1989)

Part 11

Authorities

A. University Area Joint Authority

§1-1101. Intention and Desire to Organize Authority.

The Board of Supervisors of this Township signifies its intention and desire to organize an Authority jointly with the Townships of College, Harris and Patton, all located in Centre County, Pennsylvania (collectively called the "Townships"), under provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945" as amended and supplemented (the "Authorities Act"), for the purpose of exercising any and all powers conferred by the Authorities Act.

(*Ord. 13, 8/10/1964, §1*)

§1-1102. Articles of Incorporation.

The Chairman or Vice Chairman of the Board of Supervisors and Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to execute, in behalf of this Township, Articles of Incorporation for such Authority in substantially the following form:

Articles of Incorporation

To the Secretary of the
Commonwealth of Pennsylvania:

In compliance with requirements of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented, and pursuant to ordinances duly enacted by the municipal authorities of the Townships of College, Ferguson, Harris and Patton, all located in Centre County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipalities to organize a municipality authority jointly under provisions of said Act, said incorporating municipalities do certify:

- A. The name of the Authority is "University Area Joint Authority."
- B. The Authority is formed under provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented.
- C. No other Authority has been organized under said Municipality Authorities Act of 1945, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for any of said incorporating municipalities, except that:

- (1) The Township of Ferguson, Centre County, Pennsylvania, heretofore organized an Authority known as "Ferguson Township Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

- (2) The Township of Patton, Centre County, Pennsylvania, heretofore

organized an Authority known as "Patton Township Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

D. The names of the incorporating municipalities are:

- Township of College, Centre County, Pennsylvania
- Township of Ferguson, Centre County, Pennsylvania
- Township of Harris, Centre County, Pennsylvania
- Township of Patton, Centre County, Pennsylvania

E. The names and addresses of all municipal authorities of said incorporating municipalities are:

[Here followed names and addresses of the Township Supervisors in office at the time of enactment of *Ord. 13*.]

F. The members of the Board of the Authority shall be ten in number and shall be apportioned as follows:

- Township of College, Centre County, Pennsylvania 1
- Township of Ferguson, Centre County, Pennsylvania 2
- Township of Harris, Centre County, Pennsylvania 1
- Township of Patton, Centre County, Pennsylvania 1
- Borough of State College, Centre County, Pennsylvania 2

7. The names, addresses and terms of office of the members of the Board of the Authority, as revised upon approval of this amendment to the Articles of Incorporation, each of whom is a resident and citizen of the appointing municipality, shall be as follows:

[Here followed names and addresses of the Board of the Authority.]

(*Ord. 13*, 8/10/1964, §2, as amended by *Ord. 55*, 4/10/1973, §2 and §3)

§1-1103. Necessity for Enactment.

The enactment of this Part is deemed necessary for the benefit of the preservation of the public health, peace, comfort and general welfare of citizens of this Township and will increase the prosperity of citizens of this Township.

(*Ord. 13*, 8/10/1964, §6)

B. Centre Regional Recreation Authority**§1-1121. Intention and Desire to Organize Authority.**

The Board of Supervisors of this Township signifies its intention and desire to organize an Authority jointly with the Townships of College, Harris, Patton, Halfmoon and the Borough of State College, all located in Centre County, Pennsylvania, under provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented ("Authorities Act"), for the purpose of exercising any and all powers conferred by the Authorities Act.

(Ord. 47, 1/13/1970, §1)

§1-1122. Articles of Incorporation.

The Chairman or Vice Chairman of the Board of Supervisors and Secretary or Assistant Secretary, respectively, of this Township are authorized and directed to execute, in behalf of this Township, Articles of Incorporation of such Authority in substantially the following form:

Articles of Incorporation

To the Secretary of the
Commonwealth of Pennsylvania:

In compliance with requirements of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented, and pursuant to ordinances duly enacted by the municipal authorities of the Townships of College, Ferguson, Harris, Patton and Halfmoon, and the Borough of State College, all located in Centre County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipalities to organize a municipality authority jointly under provisions of said Act, said incorporating municipalities do certify:

A. The name of the Authority is "Centre Regional Recreation Authority."

B. The Authority is formed under provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented.

C. No other Authority has been organized under said Municipality Authorities Act of 1945, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for any of said incorporating municipalities, except that:

(1) The Township of Ferguson, Centre County, Pennsylvania, heretofore organized an Authority known as "Ferguson Township Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(2) The Township of Patton, Centre County, Pennsylvania, heretofore organized an Authority known as "Patton Township Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(3) The Township of Harris, Centre County, Pennsylvania, heretofore organized an Authority known as "Harris Township Water Authority" under provisions of said Municipality Authorities Act of 1945, as amended and

supplemented.

(4) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Storm Water Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(5) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Borough Authority" under the Act of June 28, 1935, P.L. 463, as amended.

(6) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "Centre County Airport Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented. (Established jointly by Borough of State College, Borough of Bellefonte, and County of Centre).

(7) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Joint School Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(8) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Municipal Building Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(9) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Airport Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(10) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Parking Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(11) The Borough of State College, Centre County, Pennsylvania, heretofore organized an Authority known as "State College Sewer Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(12) The Townships of Patton and Ferguson, Centre County, Pennsylvania, heretofore organized an Authority known as "Patton-Ferguson Joint Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

(13) The Townships of College and Harris, Centre County, Pennsylvania, heretofore organized an Authority known as "College-Harris Joint Authority" under provisions of said Municipality Authorities Act of 1945, as amended and supplemented.

D. The names of the incorporating municipalities are:

Township of College, Centre County, Pennsylvania

Township of Harris, Centre County, Pennsylvania

- Township of Ferguson, Centre County, Pennsylvania
- Township of Patton, Centre County, Pennsylvania
- Township of Halfmoon, Centre County, Pennsylvania
- Borough of State College, Centre County, Pennsylvania

E. The names and addresses of all municipal authorities of said incorporating municipalities are:

[Here followed the names and addresses of the principal officers in office of each of the participating municipalities at the time of enactment.]

F. The members of the Board of the Authority shall be seven in number and shall be apportioned as follows:

- Township of College, Centre County, Pennsylvania 1
- Township of Ferguson, Centre County, Pennsylvania 1
- Township of Patton, Centre County, Pennsylvania 1
- Township of Harris, Centre County, Pennsylvania 1
- Township of Halfmoon, Centre County, Pennsylvania 1
- Borough of State College, Centre County, Pennsylvania 2

G. The names, addresses and terms of office of first members of the Board of the Authority, each of whom is a citizen of the incorporating municipality by which he is appointed, are as follows:

[Here followed the names and addresses of the principal officers in office.]

(Ord. 47, 1/13/1970, §2)

§1-1123. Necessity for Enactment.

The enactment of this Part is deemed necessary for the benefit of the preservation of the public health, peace, comfort and general welfare of citizens of this Township and will increase the prosperity of citizens of this Township.

(Ord. 47, 1/13/1970, §6)

C. Ferguson Township Industrial and Commercial Development Authority

§1-1131. Desire to Organize Authority.

It is the desire of the said Board of Supervisors of Ferguson Township, Centre County, Pennsylvania to organize an Industrial and Commercial Development Authority in said Township, County and Commonwealth, under the Industrial and Commercial Development Authority Law.

(*Ord. 177, 11/28/1978, §1*)

§1-1132. Articles of Incorporation.

In furtherance of said desire and intention and in conformity with the terms and provisions of said Industrial and Commercial Development Authority Law, the proposed Articles of Incorporation are hereby set forth in full as follows:

Articles of Incorporation

of

Industrial and Commercial Development Authority

To the Secretary of the Commonwealth of Pennsylvania

Harrisburg, Pennsylvania

In compliance with the requirements of the Industrial and Commercial Development Authority Law and pursuant to an ordinance adopted by the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania, that an Industrial and Commercial Development Authority be established, under the provisions of the aforementioned law, the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania, desiring that an Industrial and Commercial Development Authority be established and that a Certificate of Incorporation be issued to said Authority does hereby certify:

A. The name of the Authority shall be: Ferguson Township Industrial and Commercial Development Authority.

B. The Authority is formed under the Industrial and Commercial Development Authority Law.

C. The name and addresses of the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania.

[Here followed the names and addresses of the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania.]

D. The names and addresses and terms of office of the first members of the Board of said Authority are as follows:

[Here followed the names and addresses of the first members of the Board of said Authority.]

E. The term of existence of the Authority shall be 50 years.

(*Ord. 177, 11/28/1978, §2*)

Part 12**Social Security, Pensions and Retirement****A. Social Security****§1-1201. Execution of Plan and Agreement to Extend Coverage Authorized.**

The Township of Ferguson is hereby authorized to execute and deliver to the state agency a plan, or plans, and agreement, required under §12 of said enabling act and the Social Security Act, to extend coverage to employees and effectuate coverage of employees and officers under the Old Age and Survivors Insurance System.

(Ord. 27(b), 5/22/1953, ¶2)

§1-1202. Payments by Township, Payroll Deductions Authorized.

The Secretary of the Township of Ferguson is hereby authorized to establish a system of payroll deduction to be matched by payments by the Township of Ferguson to be made into the contribution fund of the Social Security Act through the office of the state agency, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of the Township of Ferguson. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the state agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of .5% per month until such time as payments are made.

(Ord. 27(b), 5/22/1953, ¶3)

§1-1203. Appropriations into Contribution Fund; Date Participation Commences.

Appropriation is hereby made from the proper fund, or funds, of the Township of Ferguson in the necessary amount to pay into the Contribution Fund as provided in §4 of the enabling act and in accordance with the plan, or plans, and agreement. Authority is given to the Chairman and Secretary of the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania, to enter into an agreement with the state agency, which agreement shall be in accordance with Act No. 491 and with ¶218 of the Social Security Act. Such plan and agreement shall provide that the participation of this Township of Ferguson shall commence as of July 1, 1953.

(Ord. 27(b), 5/22/1953, ¶4)

B. Police Pensions**§1-1221. Introduction and Purpose.**

1. Pursuant to Chapter 1, Part 12B, of the Township of Ferguson (hereinafter referred to as the “employer”), Code of Ordinances (*Ord. 828*, as amended) (hereinafter referred to as “Prior Plan”), the Township has maintained a pension plan for the benefit of full-time police officers known as the Township of Ferguson Police Pension Plan.

2. Effective January 1, 2005, except to the extent a different date is indicated in the text herein, the Township desires to amend and restate the Prior Plan, in its entirety, the terms of which are hereinafter set forth. This document shall continue to be known as the Township of Ferguson Police Pension Plan (hereinafter referred to as the “Plan”).

3. The purpose of this Plan continues to be to provide retirement income for the benefit of its eligible employees and their beneficiaries, but limited to those who qualify in accordance with the terms and conditions of the Plan as set forth herein.

4. The Township intends that this Plan, together with any related trust agreement, shall meet all the pertinent requirements for qualification under the Internal Revenue Code of 1986, as amended, and the Plan and trust agreement shall be interpreted, wherever possible, to comply with the terms of said Code and all formal regulations and rulings pertinent to the Plan and trust agreement issued thereunder. The Township, as a Home Rule Municipality, specifically elects not to be governed by Act 600 of 1956, 53 P.S. §767 *et seq.*

5. Each retired participant who terminated employment on or before December 31, 2004, shall receive his benefits under the Plan as it existed prior to this restatement, except where otherwise specifically provided herein.

6. Each terminated participant who terminated employment prior to January 1, 2005, with a vested interest in his accrued benefit under the Prior Plan and who had not commenced receiving his retirement benefit on such date will be eligible to receive retirement benefit on such benefit commencement date as set forth in the Prior Plan. The provisions of this Plan shall apply only to any participant who terminates employment on and after January 1, 2005, except where specifically provided to the contrary.

(*Ord. 892*, 10/15/2007, §1)

§1-1222. General Definitions and Definitions Relative to the Determination of Benefits.

Accrued benefit percentage - a fraction, the numerator of which represents the participant’s total cumulative years of service earned to the date of determination, and the denominator of which represents the total possible years of service he could earn from his date of hire to his normal retirement date. In addition and notwithstanding the foregoing, a participant’s accrued benefit percentage may never exceed the number one. The “accrued benefit” shall be the accrued benefit percentage times 50% of the final monthly average salary, as of the date of determination.

Actuarial equivalent - two forms of payment of equal actuarial present value on a specified date. “Actuarial value” shall be based upon 7% interest and UP-1984 Mortality

Tables.

Beneficiary - the person specified by each participant on becoming a participant by way of written notice which designates his beneficiary or beneficiaries to the Plan Administrator. The participant's election of any such beneficiary or beneficiaries may be rescinded or changed without the consent of the beneficiary or beneficiaries, at any time provided the participant provides the Plan Administrator with written notice of the changed designation and complies with any procedures established by the Plan Administrator.

Board - the Ferguson Township Board of Supervisors.

Compensation - the base salary (not including longevity) of a participant, received or receivable during the participant's employment with the Township as an eligible employee, that shall be considered under the Plan for purposes of calculating benefits and contributions, and in applying any applicable limitations to such benefits or contributions. Base salary shall exclude all overtime, bonuses, premiums and other recuperation not paid in a fixed amount at periodic intervals.

Dependent child - any natural-born child, any legally-adopted child, any stepchild, or any foster child of a participant, which child is unmarried, has not yet attained age 18, and, in the case of a foster child, resides in such participant's household.

Disabled or Disability - a medically determined physical or mental impairment which can be expected to result in death or to last at least 12 months and which prevents a person from engaging in his/her usual duties or any other similar duties available in the Township's employ. No participant shall be found to be disabled until at least 6 months from the date of the commencement of the condition which ultimately results in disability. Such disability must be evidenced by a certificate of a reputable licensed physician either selected or approved by the Township. For participants hired on or after January 24, 2001, such participant shall not be considered disabled or to have a disability unless the participant's disability results from injuries incurred in the course of performance of his duties as a police officer for the Township.

Eligible employee - a regularly scheduled, full-time police officer of the Township. For the purpose of this definition, full-time shall mean regularly scheduled to work at least 40 hours per week. Any police officer employed as a temporary, special, part-time, or permanent part-time officer of the Township shall not be considered an eligible employee for purposes of this Plan.

Eligible spouse - the spouse to whom a participant is married.

Final average monthly salary - the compensation of a participant related to and averaged over the participant's final 36 months of service.

Former participant - a person who had become a participant, but who subsequently ceased to be an eligible employee on account of death or other termination of employment with the Township.

Member(s) - former participant(s) who are entitled to current or future benefits from the Plan and participant(s).

Normal retirement date, for participant's hired before January 24, 2001, other than incurring a disability, shall mean the date on which a participant attains age 50 or completes 20 years of service, whichever is later. For participants hired on or after January 24, 2001, "normal retirement date" shall mean the date on which the

participant attains age 55 or completes 25 years of service, whichever is later.

Participant - an eligible employee, effective as of the date on which such employee first commences or recommences service with the Township and who has not for any reason ceased to be a participant hereunder.

Pension fund or fund - the police pension fund administered under the terms of this Plan and which shall include all money, property, investments, policies and contracts standing in the name of the Plan.

Service - the continuous period during which an eligible employee is directly entitled to compensation by the Township for the performance of duties as a full-time police officer of the Township or receives, or is entitled to receive, payment for:

- A. The time actually worked for the Township as an eligible employee.
- B. Absence due to vacation, holidays, or sickness.
- C. An authorized leave of absence.

D. Any period of voluntary or involuntary military service with the armed forces of the United States of America, provided that the participant has been employed as a regular full-time member of the Township's police force for a period of at least 6 months immediately prior to the period of military service, and the participant returns as an eligible employee within 6 months following discharge from military service or within such longer period during which employment rights are guaranteed by applicable law or under the terms of the collective bargaining agreement with the Township and subject to the condition that the participant contributes to the Plan an amount equal to the sum of contributions that would have been payable had the participant remained an active member during his/her period of military service and subject to the limitations contained in Act 600.

E. Any period of voluntary or involuntary military service with the armed forces of the United States of America not to exceed a total of 2 years which occurred prior to the date on which a participant first became employed as an eligible employee of the employer, provided that the participant shall purchase such credit and that such participant is not entitled to receive, eligible to receive or is receiving retirement benefits for such military service under a retirement system administered and wholly or partially paid for by any other governmental agency except military retirement pay earned by a combination of active and nonactive duty with a reserve or national guard component of the armed forces which is payable upon the attainment of a specified age and period of service under 10 U.S.C. Ch. 67 (relating to retired pay for non-regular service). The purchase price for such service shall be computed by multiplying the average normal cost rate for the Plan as certified by the Public Employee Retirement Commission and not to exceed 10% times the participant's average annual rate of compensation during the first 3 years of employment and multiplying the result times the number of years and fractions thereof being purchased. Interest shall be paid at a rate of 4.75% compounded annually from the first date of employment to the date of payment.

Township - the Township of Ferguson located in Centre County, Pennsylvania.

Year of service - 12 complete calendar months of service.

(Ord. 892, 10/15/2007, §1)

§1-1223. Retirement Benefit.

1. *Entitlement.* A former participant must satisfy at least one of the following requirements to become entitled to the retirement benefit described in subsection .2 below:

A. Have reached normal retirement date on or before the date on which he became a former participant.

B. Have satisfied the conditions for entitlement to a deferred vested benefit as set forth in subsection .4. Note that this benefit is available based upon the condition that it will not impair the actuarial soundness of the Plan. Note that the failure to file an election to vest will result in a payment of member contributions and associated earnings in a lump-sum to the former participant pursuant to §1-1226.3 of the Plan.

2. *Retirement Benefit.* A former participant who satisfies the conditions for entitlement described in the foregoing subsection shall be entitled to a monthly amount payable for his life, which amount (referred to hereinafter as the “retirement benefit” or “normal retirement benefit”) is derived from the following formula:

(a x b)

where, with respect to said former participant,

a = 50% of final average monthly salary.

b = the accrued benefit percentage.

Provided, however, that payment of benefits upon retirement shall be conditioned upon a former participant's being subject to service from time to time as a police reserve in cases of riot, tumult or preservation of the public peace until unfitted for such service, at which time such former participant shall be finally discharged by reason of age or disability upon written notice from the Board.

3. *Commencement.* The retirement benefit of a former participant shall become payable on the first day of the calendar month coincident with or next following the later of: (A) the date the former participant would reach his normal retirement date if he continued to be an eligible employee until such date; or, (B) the date on which his employment terminated with the Township and, thereafter, the first day of each month during the former participant's lifetime. Notwithstanding anything contained herein to the contrary, no retirement benefit payments nor any other payments shall be due or payable on or before the first day of the month coincident with or next following the date that is 30 days after the date the Administrator receives the application for benefits.

4. *Deferred Vested Benefit.*

A. For participants hired before January 24, 2001: A participant eligible for a deferred vested benefit according the vesting schedule set forth below shall be entitled to receive a deferred vested benefit in lieu of a return of member contributions (and interest) under §1-1226 by filing with the Township of Ferguson within 90 days of the date he/she ceases to be a full-time police officer, a written notice of his/her intention to vest. The benefits which a participant shall have a vested right to obtain are defined as follows:

A percentage based on years of service, as in the schedule below, multiplied by the participant's accrued benefit as of his/her date of termination of employment

such as he/she is no longer accruing service.

Years of Service	Vested Percentage
0-4	0%
5	25%
6	30%
7	35%
8	40%
9	45%
10	50%
11	60%
12	70%
13	80%
14	90%
15 or more	100%

The vested benefit determined above shall become payable on the participant's normal retirement date.

B. For participants hired on or after January 24, 2001, who after completing 12 years of service ceases to be an eligible employee before reaching his or her normal retirement date, shall be entitled to vest his or her retirement benefits by filing with the Township a written notice of his or her intention to vest within 90 days after he or she ceases to be an eligible employee. Upon reaching the date which would have been his or her normal retirement date if he or she had continued to be employed as an eligible employee, he or she shall be paid a retirement benefit calculated as set forth in subsection .2 with, for the purposes of that calculation, final average salary being calculated over the final 36 months former participant was an eligible employee.

5. *Form of Benefit Payment.* Notwithstanding anything contained herein to the contrary, a participant hired before January 24, 2001, who gives at least 30 days written notice to the Plan Administrator before the date retirement payments shall commence, may choose to receive retirement payments in an optional form which is the actuarial equivalent of the retirement benefit as described in subsections .2 and .4. The following options may be selected; the joint and survivor annuity option which shall pay a reduced amount monthly to the participant until death and if the participant's beneficiary is then living shall pay a monthly amount to the beneficiary until death equal to 50% or 100% of the monthly amount paid to the participant, whichever amount shall have been chosen by the participant.

(Ord. 892, 10/15/2007, §1)

§1-1224. Disability Benefit.

1. *Disability Benefit.*

A. A disabled participant shall be entitled to receive a monthly benefit equal to 100% of the present value of his or her accrued benefit. This amount shall be offset or reduced by any amounts payable pursuant to the short-term disability insurance plan funded by the employer. The disability benefit entitlement shall begin on the first day of the calendar month coincident with or next following the date on which the participant has satisfied the Plan's definition of disability and shall continue, except as noted below, until the earliest of his death or recovery from disability.

B. Notwithstanding anything to the contrary in this subsection, for disabilities incurred after April 17, 2002, which are the result of injuries incurred in the performance of the participant's duties as a police officer for the Township, the disability benefit payable to a participant who meets the requirements of §1-1222 of the Plan is a monthly benefit calculated at 50% of the participant's salary (within the meaning of "salary" under Act 30 of 2002) at the time the disability was incurred provided that any participant who receives benefits for the same injuries under the Social Security Act (42 U.S.C. §301 *et seq.*) shall have his/her disability benefits offset or reduced by the amount of such benefits. Notwithstanding anything to the contrary in this Plan, anyone receiving benefits under this paragraph shall receive no other disability benefits or retirement benefits under this Plan.

To the extent permitted by applicable law, any disability benefit payable under this paragraph .B shall be offset or reduced by any amounts payable pursuant to the short-term disability plan funded by the employer.

2. *Payment of Disability Benefits.* Disability payments shall be made monthly as of the first day of each month, continuing until the termination of the disability benefit as provided in subsection .3 hereof or attainment of normal retirement age (such a disabled participant who attains normal retirement age shall thereafter receive a normal retirement benefit pursuant to §1-1223). Notwithstanding anything contained herein to the contrary, no disability benefit payments shall be required to be paid on or before the first day of the month coincident with or next following the date that is 30 days after the date that the Administrator receives the certificate of the physician evidencing the disability, although benefit entitlement shall be retroactive to the first day of the month immediately following or coincident with the participant's disability.

3. *Termination of the Disability Benefit.* The disability benefit described above shall be terminated:

A. If the Township shall determine, on the basis of a medical examination by a physician acceptable to the Township (and agreed to by the disabled participant) that the disabled participant, prior to his normal retirement date, has sufficiently recovered to return to service. If the Township and the disabled participant cannot agree on a physician, they shall each select a physician who will then select a third physician who will make a final binding decision (The physician determined pursuant to this paragraph shall be hereinafter referred to as the "selected physician").

B. If the disabled participant refuses to undergo a medical examination by the selected physician, if so available, (if not so available, the selection process in paragraph .A above shall be reinitiated), which may be requested by the Township

or the Administrator; provided that the disabled participant may not be required to undergo a medical examination more often than once every 6 months.

C. If the disabled participant is employed in any capacity as a full-time or part-time police officer after qualifying for the disability benefit.

D. If the disabled participant recovers from his disability and does not return to service.

From time to time, the Board shall adopt uniform provisions for disability participants whose disability benefit is terminated pursuant to the above and for disabled participants who recover from disability and return to service.

4. *Requirement of Notification.* A disabled participant who is receiving benefits from the Plan on account of disability shall be required to notify the Administrator of any change which may cause a cessation of entitlement to receipt of such benefits. To the extent a disabled participant fails to provide immediate notice to the Administrator of any such change in status and who continues to receive benefits to which he is not entitled from the Plan on account of disability, the Administrator may take any action necessary to recover any amount improperly paid, including legal action or the offsetting of such amounts against future payments on account of retirement or death under the Plan, including the costs of such actions.

(Ord. 892, 10/15/2007, §1)

§1-1225. Death Benefit.

1. *Pre-retirement Death Benefit.* In the event that an actively employed participant shall die, his/her beneficiary shall be entitled to receive a lump sum benefit equal to the present value of the participant's accrued benefit, determined as of the date of death. If no beneficiary is selected, the death benefit shall be payable in a lump sum to his or her estate. If any benefits are paid pursuant to this subsection no participant, former participant, member, beneficiary or survivor of any of the foregoing will be entitled to any other benefits under this Plan.

2. *Other Death Benefits.* The surviving spouse of an actively employed participant who dies on or after April 17, 2002, before his pension has vested, and whose survivors are entitled to no benefits under any other sections of this Plan, or if no spouse survives or if he or she survives and subsequently dies, the child or children under the age of 18 years, or if attending college, under or attaining the age of 23 years, of a participant shall be entitled to receive repayment of his member contributions (including interest at 6% per annum) unless the participant has designated another beneficiary. Any person or entity receiving a return of contributions under this subsection will be entitled to no other benefits under this Plan.

3. *Retirement Death Benefit.* If a former participant who began to receive pension benefits under this Plan prior to April 17, 2002, dies, there shall be no death benefit payable from the Plan, except as may be provided for in the annuity option that was elected by the former participant at the time of his/her retirement pursuant to Plan §1-1223.5.

4. *Survivor Benefits for Members Who Die after Retiring or after He/She Is Eligible to Retire.* Effective April 17, 2002, notwithstanding anything in subsection .3 to the contrary, if a participant "retires on pension" (within the meaning of Act 30 of 2002) and dies, a monthly benefit shall be paid to the surviving spouse or if no spouse

survives, or if he or she survives and subsequently dies, then the child or children under the age of 18 years if attending college, under or attaining the age of 23 years in the case of a child or children, in the amount of 50% of the monthly pension benefit the Member was receiving or would have been receiving had he been retired at the time of his death. For the purposes of this Section, a participant who has attained his normal retirement date and dies prior to retiring shall be treated as if he had retired on the day before his death. Notwithstanding anything to the contrary in this Plan, anyone receiving benefits under this subsection shall receive no other benefits under this Plan. The phrase "attending college" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester. This subsection .4, insofar as Act 30 of 2002 affects the benefits available to surviving spouses, shall apply to surviving spouses whose spouse died on or before April 17, 2002, and who were not remarried as of April 17, 2002.

(Ord. 892, 10/15/2007, §1; as amended by Ord. 931, 3/1/2010, §1)

§1-1226. Member Contributions and Their Disbursement.

1. *Member Contributions, Defined.* The term "member contribution" shall mean any amount deposited into the Plan by a participant. Contributions may be reduced or eliminated provided that any reduction or elimination of contributions is authorized on an annual basis by an ordinance or resolution by the Board. Note: See the applicable collective bargaining agreement for further details associated with member contributions, possible relief thereof and reductions in benefits as permitted by law. Member contributions shall be subject to the following provisions:

A. To the extent such monies are needed to avoid any member contributions to the Plan, the employer shall utilize State aid contributions that it receives due to the existence of the Plan.

B. When contributions are required to maintain the actuarial soundness of the Plan as determined by the Plan actuary, participants shall be required to contribute as follows: participants covered by Social Security may be required to contribute up to 5% of their compensation; and participants not covered by Social Security may be required to contribute up to 8% of their compensation.

Member contributions shall be "picked up" by the employer and shall be treated as employer contributions for Federal income taxation purposes pursuant to §414(h)(2) of the Internal Revenue Code. Notwithstanding the foregoing, contributions so picked up shall be treated as member contributions for all purposes of State and local law.

2. *Crediting of Interest.* Interest shall accrue to member contributions at the rate of 6% per annum. Such interest shall be credited from the midpoint of the year (or part of the year) when made through the date of participant's termination of eligible employment.

3. *Withdrawal.*

A. Member contributions, in addition to the interest accrued thereon, (hereinafter referred to collectively as the “member contribution account”) may be withdrawn from the Plan by or on behalf of a former participant only under the following circumstances:

(1) Where the former participant fails to complete the requirement of service specified in §1-1223.1.A, and where the former participant fails to elect to vest in a retirement benefit to which he has become entitled, pursuant to §1-1223.1.B.

(2) Where the participant dies without satisfying the requirements of entitlement to a death benefit, as detailed in §1-1225, and where the retirement or disability benefit of such former participant has not yet commenced.

B. Where the above conditions for the withdrawal of the member contribution account have been satisfied, payment of the member contribution account shall be made to the former participant, or in the event of the former participant’s death, to the former participant’s beneficiary, or if a beneficiary does not exist, to the former participant’s estate. Such payment shall commence on or after the first day of the calendar month coincident with or next following the date on which the former participant (1) became a former participant or (2) failed to elect vesting in a retirement benefit to which he had become entitled, whichever is later.

C. Upon the distribution of the member contribution account, the entitlement of the former participant, his spouse, survivors, children or his beneficiary to any future retirement benefit, disability benefit, or death benefit, shall cease and they shall be excluded from further participation in the Plan and they shall have no further rights therein.

(Ord. 892, 10/15/2007, §1)

§1-1227. Definitions Relative to Administrative Matters.

Act 205 - the Municipal Pension Plan Funding Standard and Recovery Act, Act of December 18, 1984, P.L. 1005, No. 205, as amended, 53 P.S. §895.101 *et seq.*

Act 600 - the Police Pension Fund Act, Act of May 29, 1956, P.L. 1804, No. 600, as amended, 53 P.S. 767 *et seq.*

Actuary - a person who has at least 5 years of actuarial experience with public pension plans and who is either a member of the American Academy of Actuaries or enrolled as an actuary pursuant to the Federal Employee Retirement Income Security Act of 1974.

Administrator or Plan Administrator - the Township Manager. The Administrator serves pursuant to the discretion of the Board and any decision or determination of said Administrator may be reviewed by the Board with the right reserved by the Board to overrule, amend, modify, alter or change any decisions or determinations of said Administrator in such manner and to such extent as may seem proper to the Board.

Board - the Board of Supervisors of Ferguson Township in whom rests the responsibility for appointing the Chief Administrative Officer and for deciding and approving any matter of finance that affects, or could affect, the Plan, its participants,

or beneficiaries. All powers relative to the operation and administration of the Plan shall specifically reside with the Board unless delegated pursuant to this Plan document.

Chief Administrative Officer - the individual, designated by the Board, who shall have the power and authority to perform all acts and to execute, acknowledge, and deliver all instruments necessary to implement and effectuate the purpose of the Plan. Where the Board fails to designate a Chief Administrative Officer, the Chief Administrative Officer shall be the Township Manager.

Code - the Internal Revenue Code of 1986, as amended or replaced from time to time.

Committee or Police Pension Fund Committee - an Advisory Committee consisting of a Township Supervisor, the Township Manager and two police officers selected Township Police Association established for the purpose of discussing pension related matters of concern to the Township and the members.

Plan - the current instrument, including all amendments hereto.

Plan year - the 12-month period beginning on January 1 and ending on December 31 of each year.

Policy or Contract - a retirement annuity or a retirement income endowment policy (or a combination of both), or any other form of insurance contract or policy which shall be deemed appropriate with accordance with the provisions of Act 205 and P.L. 1804, as amended, 53 P.S. §767.

Township - Ferguson Township and any successor which shall maintain this Plan; and any predecessor which has maintained this Plan. The Township is situated in Centre County in the Commonwealth of Pennsylvania.

Trust or Fund - the fund administered and established under the terms of the Plan, which fund shall include all money, property, investments, policies, and contracts standing in the name of the Plan.

Trust agreement - the legal agreement entered into between the Township and any fiduciary that shall provide specifically for all objectives, powers, and responsibilities concerning the management of the trust's assets. If there is no trustee appointed, the Township Board of Supervisors shall be trustees.

(Ord. 892, 10/15/2007, §1)

§1-1228. Administration.

1. *Authority and Duties of the Administrator.* The Administrator shall have full power and authority to do whatever, in its judgment, shall be reasonably necessary to effectuate the proper administration and operation of the Plan. The interpretation or construction placed upon any term or provision of the Plan by the Administrator, or any action of the Administrator taken in good faith, shall be final and conclusive upon all parties hereto. The authority of the Administrator shall include, but shall not be limited to:

A. Construction of the Plan.

B. Determination of all questions affecting the eligibility of any employee of the Township to participate herein.

C. Computation of the amount and the source of any benefit payable hereunder to any participant or beneficiary, as applicable.

D. Authorization of any and all disbursements of benefits.

E. Prescription of any procedure to be followed by any participant or other person, as applicable, in filing any application or election hereunder.

F. Preparation and distribution of information explaining the Plan as may be required by law or as the Administrator deems appropriate.

G. Requisition of information necessary from the Township or any participant for the proper administration of the Plan.

H. Appointment and retention of any individual to assist in the administration of the Plan, including such legal, clerical, accounting, and actuarial services as it deems advisable or may be required by any applicable laws or law.

The Administrator shall have no authority to add to, subtract from, or modify the terms of the Plan or to change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility for benefits under the Plan. Further, the Administrator shall have no power to adopt, amend, or terminate the Plan, to select or appoint any trustee, or to determine or require any contributions to the Plan, said powers being exclusively reserved to the Board.

2. *Hold Harmless.* To the full extent permitted by law, no member of the Committee, the Board, the Chief Administrative Officer, the Administrator, nor any other person involved in the administration of the Plan shall be liable to any person on account of any act or failure to act which is taken or omitted to be taken in good faith in performing their respective duties under the terms of this Plan. To the extent permitted by law, the Township shall, and hereby does agree to, indemnify and hold harmless the Administrator and each successor and each individual's heirs, executors and administrators, and the Administrator's delegates and appointees (other than any person or entity independent of the Township who renders services to the Plan for a fee) from any and all liability and expenses, including counsel fees, reasonably incurred in any action, suit, or proceeding to which he is or may be made a party by reason of being or having been the Administrator or a delegate or appointee of the Administrator, except in matters involving criminal liability, or intentional or willful misconduct. If the Township purchases insurance to cover claims of a nature described above, then no right of indemnification shall exist except to the extent of any deductible amount under the insurance coverage or to the extent of the amount the claims exceed the insured amount.

3. *Appeal Procedure.* Any person whose application for benefits is denied, who questions the amount or timing of any benefit paid, or who has some other claim arising under the Plan (the "claimant"), shall first seek a resolution of such claim under the procedure hereinafter set forth.

A. The claimant shall first file a notice of claim with the Administrator which notice shall fully describe the nature of the claim. The Administrator shall review the claim and make an initial determination approving or denying the claim and shall mail notice of the determination within 90 days (or such other period as may be established by applicable law) from the time the application is received. Such 90-day period may be extended by the Administrator, if special circumstances so require, for up to 90 additional days by the Administrator's delivering notice of

such extension to the claimant within the first 90-day period. Any notice hereunder shall, if it is a notice of denial, set forth:

(1) The specific provisions of the Plan on which the denial is based.

(2) An explanation of additional material or information, if any becomes necessary to perfect such claim, and a statement of why such material or information is necessary.

(3) An explanation of the review procedure.

B. Upon receipt of notice denying the claim, the claimant shall have the right to request a full and fair review by the Board of the initial determination. Such request for review must be made by written notice to the Board within 60 days of mailing of the notice of denial. During such review, the claimant or a duly authorized representative shall have the right to review any pertinent documents and to submit any issues or comments in writing. The Board shall, within 60 days after receipt of the notice requesting such review, (or in special circumstances, such as where the Board in its sole discretion holds a hearing, within 120 days of receipt of such notice), submit its decision in writing to the person or persons whose claim has been denied. The decision shall be final, conclusive and binding on all parties, and shall contain specific references to the pertinent Plan provisions on which the decision is based.

C. Any notice of claim questioning the amount of a benefit in pay status shall be filed by the claimant with the Administrator within 90 days following the date of the first payment which would be adjusted if the claim is granted, unless the Administrator allows a later filing for good cause shown.

D. A claimant who does not submit a notice of a claim or a notice requesting a review of a denial of a claim within the time limitations specified above shall be deemed to have waived such claim or right to review.

(Ord. 892, 10/15/2007, §1)

§1-1229. Provisions Relative to Funding under Act 205.

1. *Actuarial Valuations.* The actuary to the Plan shall perform an actuarial valuation at least biennially (unless the Township is applying or has applied for supplemental State assistance pursuant to Act 205, for purposes of this Section, whereupon actuarial valuation reports must be made annually.) Each biennial actuarial valuation report shall be made as of the beginning of each Plan Year occurring in an odd-numbered calendar year, beginning with the year 1985. Such actuarial valuation shall be prepared and certified by an approved actuary, as such term is defined in Act 205. The expenses attributable to the preparation of any actuarial valuation report or investigation required by Act 205 or any other expense which is permissible under the terms of Act 205 and which are directly associated with administering the Plan shall be an allowable administrative expense payable from the assets of the trust. Such allowable expenses shall include, but shall not be limited to, the following:

A. Investment costs associated with obtaining authorized investments and investment management fees.

B. Accounting expenses.

C. Premiums for insurance coverage on fund assets.

D. Reasonable and necessary counsel fees incurred for advice or to defend the fund.

E. Legitimate travel and education expenses for officials of the Plan.

The Board, in its fiduciary role, shall monitor the services provided to the Plan to ensure that the expenses are necessary, reasonable and benefit the Plan; and, further provided, that the Administrator shall document all such expenses item by item, and where necessary, hour by hour.

2. *Duties of the Chief Administrative Officer.* The actuarial reports described above shall be prepared and filed under the supervision of the Chief Administrative Officer. The Chief Administrative Officer of the Plan shall determine the financial requirements of the Plan on the basis of the most recent actuarial report and shall determine the minimum obligation of the Township with respect to funding the Plan for a given plan year. The Chief Administrative Officer shall submit the financial requirements of the Plan and the minimum obligation of the Township to the Board annually and shall certify the accuracy of such calculations and their conformance with Act 205.

3. *Modification of Benefits.* Prior to the adoption of any provision that modifies a benefit provided hereunder, the Chief Administrative Officer shall provide to the Board a cost estimate of the proposed modification. Such estimate shall be prepared by an approved actuary, which estimate shall disclose to the Board the impact of the proposed modification on the future financial requirements of the Plan and the future minimum obligation of the Township with respect to the Plan.

4. *Utilization of State Aid.* Payments of general municipal State aid, or any other amount of State aid received pursuant to Act 205 from the Commonwealth of Pennsylvania which are received by the Township and deposited into the Fund shall be used as follows:

A. To reduce the amortization of the unfunded liability, or after such liability has been funded.

B. To apply against the annual obligation of the Township, or to the extent that the payments may be in excess of such obligation.

C. To reduce member contributions hereunder.

5. *Member Contributions.* See §1-1226.

6. *Township Contributions.* Subject to any bargained for limitations or conditions such as increased member contributions or reduction of benefits, the remainder of the annual contributions required under provisions of Act 205, as determined by the Actuary to the Plan in accordance with Act 205, shall become the obligation of the Township and shall be paid into the Fund by annual appropriations.

(Ord. 892, 10/15/2007, §1)

§1-1230. Applicable Provisions of the Internal Revenue Code.

1. *Explanation.* In recognition of the fact that the Plan must comply in form, content, and operation with certain provisions of the code, and in spite of the limited applicability of such provisions to the normal operation of the Plan, the following subsections of this Section detail the limitations and parameters applicable to maintaining favorable tax treatment of funds contributed to the Plan under Federal

law. This Section will apply to all participants, former participants, members and others receiving benefits under this Plan including those who terminated employment with the Township and/or began receiving benefits prior to January 1, 2001, except where this Section specifically provides to the contrary.

2. *Definitions.* The following definitions apply for purposes of this Section only:

Leased employee - effective as of January 1, 1997, any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person (“leasing organization”) has performed services for the recipient (or for the recipient and related persons determined in accordance with Code §414(n)(6)) on a substantially full-time basis for a period of at least 1 year, and such services are performed under primary direction or control by the recipient.

Limitation year - the plan year.

3. *Leased Employees and Independent Contractors.* Leased employees and independent contractors are not eligible to participate in this Plan. Any person whom the Council does not regard as being an employee shall not be eligible to participate.

4. *Limit on Compensation.* Compensation is subject to the limitation under Code §401(a)(17), which is \$220,000 for the plan year beginning in 2006. The limit is automatically adjusted periodically, without formal amendment, for changes in the law and cost-of-living adjustments under Code §401(a)(17).

5. *Maximum Annual Benefit.*

A. *General Rule.* Except as otherwise provided, this Plan shall at all times comply with the provisions of Code §415 and the regulations thereunder, the terms of which are specifically incorporated herein by reference. If a benefit payable to a participant under this Plan would otherwise exceed the limit under Code §415, the benefit will be reduced to the maximum permissible benefit.

B. *Effective Date.* If there is more than one permissible effective date for any required change in the Code §415(b) provisions, then the change shall be effective as of the latest permissible effective date; however, any adjustment in the dollar limit under Code §415(b)(1)(A), whether required or permissible, shall take effect automatically as of the earliest permissible effective date. The “applicable mortality table” in Rev. Rul. 2001-62 became effective as of December 31, 2002.

C. *No Reduction in Accrued Benefits.* Notwithstanding the above, no change in the limits under this Section shall reduce the benefit of any participant.

D. *Multiple Plans.* If a participant also participates in one or more other plans that are required to be aggregated with this Plan for purposes of determining the limits under Code §415(b) or (e), and if the aggregated benefits would otherwise exceed the limit under Code §415(b) or (e), then benefits shall be reduced first under this Plan. (Historical Note: Code §415(e) applied for limitation years beginning prior to 2000.)

E. *Mandatory Contributions.* Participant contributions are annual additions, and any benefit attributable to participant contributions is not included in the benefit subject to the limits of Code §415(b) or (e). This paragraph does not apply to contributions “picked-up” in accordance with Code §414(h).

F. *Permissive Service Credit.* Effective as of January 1, 1998, if a participant makes a purchase of permissive service credit (within the meaning of Code §415(n))

under the Plan, the benefit derived from the contributions made to purchase the service credit shall be treated as part of the benefit subject to the limitations under this subsection.

6. *Limit on Annual Additions.*

A. *Annual Additions.* Except as otherwise provided, annual additions (which include participant contributions) under this Plan shall at all times comply with the provisions of Code §415(c) and the regulations thereunder, the terms of which are specifically incorporated herein by reference. If an annual addition would otherwise exceed the limit under Code §415(c), the excess annual addition will be allocated in accordance with Reg. §1.415-6(b)(6)(ii).

B. *Multiple Plans.* If a participant also participates in one or more other plans that are required to be aggregated with this Plan for purposes of determining the limits under Code §415(c), and if the annual additions would otherwise exceed the limit under Code §415(c), annual additions will first be reduced under the other plan. If there is more than one other plan, annual additions will first be reduced under the Plan with the greatest amount of annual additions.

C. *Effective Date.* The limits under which Code §415(c) are adjusted periodically in accordance with changes in the law or cost of living adjustments without the need for a plan amendment. If there is more than one permissible effective date for any required change relating to Code §415(c), then the change shall be effective as of the earliest permissible effective date.

7. *Direct Rollovers.*

A. Effective as of January 1, 1993, if a participant, a spousal beneficiary, or an alternate payee (who is a spouse or former spouse of a participant) is entitled (under other provisions of this Plan) to receive an “eligible rollover distribution” of at least \$200, the distributee may elect that the Plan Administrator transfer all or part (provided that the part is at least \$500) to any “eligible retirement plan” capable of accepting such a transfer.

B. For purposes of this subsection, the following definitions shall apply:

(1) An “eligible rollover distribution” is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (a) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee’s designated beneficiary, or for a specified period of 10 years or more; (b) any distribution to the extent such distribution is required under Code §401(a)(9); (c) the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities), and (d) effective as of January 1, 2002, any hardship distribution. Effective as of January 1, 2002, subparagraph (3) does not apply to any after-tax participant contributions that are paid to an individual retirement account or annuity described in Code §408(a) or (b), or to a qualified defined contribution plan described in Code §401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the

portion of such distribution which is not so includable.

(2) An “eligible retirement plan” is an individual retirement account described in Code §408(a), an individual retirement annuity described in Code §408(b), an annuity plan described in Code §403(a), or a qualified trust described in Code §401(a), that accepts the distributee’s eligible rollover distribution. However, in the case of an eligible rollover distribution to a surviving spouse, prior to January 1, 2002, an eligible retirement plan was an individual retirement account or individual retirement annuity. Effective as of January 1, 2002, an “eligible retirement plan” includes an annuity contract described in Code §403(b) and an eligible plan under Code §457(b) which is maintained by a State, political subdivision of a State, or any agency or instrumentality of a State or political subdivision of a State and which agrees to separately account for amounts transferred into such plan from this Plan.

(3) A distributee includes an employee or former employee. In addition, the employee’s or former employee’s surviving spouse and the employee’s or former employee’s spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code §414(p)(11), are distributees with regard to the interest of the spouse or former spouse.

(4) Effective as of January 1, 2002, an employee may, in accordance with Code §457(e)(17), make a trustee-to trustee transfer from an eligible deferred compensation plan (as defined in Code §457(b) to this Plan for the purpose of purchasing service credit (to the extent that such purchases are permitted under the terms of the Plan) or repaying a cash-out of contributions refunded under the Plan.

8. *Minimum Required Distributions.*

A. Notwithstanding any provision in this Plan to the contrary, the distribution of a participant’s benefits shall be made in accordance with the requirements and conditions of and shall otherwise comply with Code §401(a)(9). For purposes of complying with Code §401(a)(9), life expectancies shall be determined in accordance with the 1987 proposed regulations prior to January 1, 2003 and with the final regulations (§§1.401(a)(9)-1 through 1.401(a)(9)-9) on or after January 1, 2003.

B. Effective as of January 1, 1997, distribution of a participant’s benefits shall begin not later than April 1 of the calendar year following the later of:

- (1) The calendar year in which the participant attains age 70½.
- (2) The calendar year in which the participant retires.

Distributions must be made over a period not exceeding the life of the participant or the joint lives a participant and his beneficiary.

C. Distributions to a participant and his beneficiaries shall only be made in accordance with the incidental death benefit requirements of Code §401(a)(9)(G) and the regulations thereunder.

D. This subsection does not authorize the payment of any benefit in any form not permitted under another provision of the Plan.

9. *Approved Domestic Relations Orders.* Upon approval by the Plan Administrator of a domestic relations order as an “approved domestic relations order” all rights and

benefits provided to a participant under this Plan shall be subject to an “approved domestic relations order” to the extent provided by the laws of the Commonwealth of Pennsylvania. In no event shall a domestic relations order be approved which expands the rights and benefits otherwise available to the participant under this Plan.

10. *Credit for Qualified Military Service.* Effective as of December 12, 1994, notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance Code §414(u).

11. *Vesting upon Plan Termination.* Upon the termination of this Plan, or complete discontinuance of contributions (within the meaning of pre-ERISA Code §401(a)(7)) to this Plan, each employee as of the date of such termination or discontinuance shall become vested to the extent that the Plan is funded.

12. *Consent for Lump-Sum Distributions.* Effective January 1, 2006, notwithstanding any other provision of the Plan, any distribution to a participant made prior to the earlier of age 62 or normal retirement age of an amount in excess of \$1,000 that is an eligible rollover distribution as set forth in the Plan and the code shall be made only upon consent of the participant.

(Ord. 892, 10/15/2007, §1)

§1-1231. Amendment and Termination of Pension Plan or Pension Fund.

1. *Amendment.* The Board may amend this Plan at any time or from time to time by ordinance or resolution, provided that:

A. No amendment shall deprive any member or beneficiary, as applicable, of any of the benefits to which he is entitled under this Plan pursuant to State law.

B. No amendment shall provide for the use of funds or assets held under this Plan other than for the benefit of eligible employees or alternate payees, and no funds contributed to the Plan or assets of the Plan shall, except as provided below, ever revert to or be used or enjoyed by the Township except as set forth below.

C. No amendment to the Plan which provides for a modification of one or more benefits shall be made unless an estimate of cost has been prepared and presented to the Board.

2. *Termination of the Plan.* It is the present intention of the employer to maintain this Plan indefinitely. Nevertheless, the Board shall have the power to terminate this Plan in its entirety at any time by an instrument in writing executed in the name of the Township.

3. *Automatic Termination of Contributions.* Subject to the provisions of Act 205 governing financially distressed municipalities, the liability of the Township to make contributions to the pension fund shall automatically terminate upon liquidation or dissolution of the Township, upon its adjudication as a bankrupt or upon the making of a general assignment for the benefit of its creditors.

4. *Distribution upon Termination.* All assets attributable to the terminated Plan shall be distributed and disposed of in accordance with the provisions of applicable law and the terms of any instrument adopted by the Township which effects such termination.

5. *Residual Assets.* If all liabilities to vested members and any others entitled to

receive a benefit under the terms of the Plan have been satisfied and there remain any residual assets in the pension fund, such residual assets remaining shall be returned to the Township insofar as such return does not contravene any provision of law, and any remaining balance, in excess of employer contributions and related earnings, shall be returned to the Commonwealth.

6. *Exclusive Benefit Rule.* In the event of the discontinuance and termination of the Plan as provided herein, the Township shall dispose of the pension fund in accordance with the terms of the Plan and applicable law; at no time prior to the satisfaction of all liabilities under the Plan shall any part of the corpus or income of the pension fund, after deducting any administrative or other expenses properly chargeable to the pension fund, be used for or diverted to purposes other than for the exclusive benefit of the members in the Plan, their beneficiaries or their estates.

(Ord. 892, 10/15/2007, §1)

§1-1232. The Pension Fund.

1. *Operation of the Pension Fund.* The Board is hereby authorized to hold and supervise the investment of the assets of the pension fund, subject to the provisions of the laws of the Commonwealth of Pennsylvania and of this Plan and any amendment thereto. The pension fund shall be used to pay benefits as provided in the Plan and, to the extent not paid directly by the Township, to pay the expenses of administering the Plan pursuant to authorization by the Township. The Township intends the Plan to be permanent and for the exclusive benefit of its employees. It expects to make the contributions to the pension fund required under the Plan. The Township shall not be liable in any manner for any insufficiency in the pension fund; benefits are payable only from the pension fund, and only to the extent that there are monies available therein. The pension fund will consist of all funds held by the Township under the Plan, including contributions made pursuant to the provisions hereof and the investments, reinvestment and proceeds thereof. The pension fund shall be held, managed, and administered pursuant to the terms of the Plan. Except as otherwise expressly provided in the Plan, the Township has exclusive authority and discretion to manage and control the pension fund assets. The Township may, however, appoint a trustee, custodian and/or investment manager, at its sole discretion.

2. *Powers and Duties of the Township.* With respect to the pension fund, the Township shall have the following powers, rights and duties, in addition to those vested in it elsewhere in the Plan or by law, unless such duties are delegated.

A. To retain in cash so much of the pension fund as it deems advisable and to deposit any cash so retained in any bank or similar financial institution (including any such institution which may be appointed to serve as trustee hereunder), and shall include the right to hold funds on a temporary basis in accounts or investments that do not bear interest.

B. To invest and reinvest the principal and income of the fund and keep said fund invested, without distinction between principal and income, in securities which are at the time permitted investments for fiduciaries under the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended.

C. To sell property held in the fund at either public or private sale for cash

or on credit at such times as it may deem appropriate; to exchange such property; to grant options for the purchase or exchange thereof.

D. To consent to and participate in any plan of reorganization, consolidation, merger, extension or other similar plan affecting property held in the fund; to consent to any contract, lease, mortgage, purchase, sale or other action by any corporation pursuant to any such plan.

E. To exercise all conversion and subscription rights pertaining to property held in the fund.

F. To exercise all voting rights with respect to property held in the fund and in connection therewith to grant proxies, discretionary or otherwise.

G. To place money at any time in a deposit bank deemed to be appropriate for the purposes of this Plan no matter where situated, including in those cases where a bank has been appointed to serve as trustee hereunder, the savings department of its own commercial bank.

H. In addition to the foregoing powers, the Township shall also have all of the powers, rights, and privileges conferred upon trustees by the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended, and the power to do all acts, take all proceedings and execute all rights and privileges, although not specifically mentioned herein, as the Township may deem necessary to administer the pension fund.

I. To maintain and invest the assets of this Plan on a collective and commingled basis with the assets of other pension plans maintained by the Township, provided that the assets of each respective plan shall be accounted for and administered separately.

J. To invest the assets of the pension fund in any collective commingled trust fund maintained by a bank or trust company, including any bank or trust company which may act as a trustee hereunder or to invest in a group contract or other funding arrangement. In this connection, the commingling of the assets of this Plan with assets of other eligible, participating plans through such a medium is hereby specifically authorized. Any assets of the Plan which may be so added to such collective trusts shall be subject to all of the provisions of the applicable declaration of trust, as amended from time to time, which declaration, if required by its terms or by applicable law, is hereby adopted as part of the Plan, to the extent of the participation in such collective or commingled trust fund by the Plan.

K. To make any payment or distribution required or advisable to carry out the provisions of the Plan, provided that if a trustee is appointed by the Township, such trustee shall make such distribution only at the direction of the Township.

L. To compromise, contest, arbitrate, enforce or abandon claims and demands with respect to the Plan.

M. To retain any funds or property subject to any dispute without liability for the payment of interest thereon, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.

N. To pay, and to deduct from and charge against the pension fund, any taxes which may be imposed thereon, whether with respect to the income, property or transfer thereof, or upon or with respect to the interest of any person therein,

which the fund is required to pay; to contest, in its discretion, the validity or amount of any tax, assessment, claim or demand which may be levied or made against or in respect of the pension fund, the income, property or transfer thereof, or in any matter or thing connected therewith.

O. To appoint any persons or firms (including but not limited to accountants, investment advisors, counsel, actuaries, physicians, appraisers, consultants, professional plan administrators and other specialists), or otherwise act to secure specialized advice or assistance, as it deems necessary or desirable in connection with the management of the fund, to the extent not prohibited by applicable law, the Township shall be entitled to rely conclusively upon and shall be fully protected in any action or omission taken by it in good faith reliance upon, the advice or opinion of such persons or firms, provided such persons or firms were prudently chosen by the Township, taking into account the interests of the members and beneficiaries and with due regard to the ability of the persons or firms to perform their assigned functions.

P. To retain the services of one or more persons or firms for the management of (including the power to acquire and dispose of) all or any part of the fund assets, provided that each of such persons or firms is registered as an investment advisor under the Investment Advisors Act of 1940, is a bank (as defined in that act), or is an insurance company qualified to manage, acquire or dispose of pension trust assets under the laws of more than one State; in such event, the employer shall follow the directions of such investment manager or managers with respect to the acquisition and disposition of fund assets, but shall not be liable for the acts nor omissions of such investment manager or managers, nor shall it be under any obligation to review or otherwise manage any fund assets which are subject to the management of such investment manager or managers. If the Township appoints a trustee, the trustee shall not be permitted to retain such an investment manager except with the express written consent of the Township.

3. *Common Investments.* The Township shall not be required to make separate investments for individual members or to maintain separate investments for each member's account, but may invest contributions and any profits or gains therefrom in common investments.

4. *Compensation and Expenses of Appointed Trustee.* If a trustee is appointed, the trustee shall be entitled to such reasonable compensation as shall from time to time be agreed upon by the Township and the trustee, unless such compensation is prohibited by law. Such compensation, and all expenses reasonably incurred by the trustee in carrying out his functions, shall constitute a charge upon the Township or the pension fund, which may be executed at any time after 30 days written notice to the Township. The Township shall be under no obligation to pay such costs and expenses, and, in the event of its failure to do so, the trustee shall be entitled to pay the same, or to reimburse themselves for the payment thereof, from the pension fund.

5. *Periodic Accounting.* If a trustee is appointed, the pension fund shall be evaluated annually, or at more frequent intervals, by the trustee and a written accounting rendered as of each fiscal year end of the fund, and as of the effective date of any removal or resignation of the trustee, and such additional dates as requested by the Township, showing the condition of the fund and all receipts, disbursements and other transactions effected by the trustee during the period covered by the accounting,

based on fair market values prevailing as of such date.

6. *Value of the Pension Fund.* All determinations as to the value of the assets of the pension fund, and as to the amount of the liabilities thereof, shall be made by the Township or its appointed trustee, whose decisions shall be final and conclusive and binding on all parties hereto, the members, spouses, children, survivors and beneficiaries and their estates. In making any such determination, the Township or trustee shall be entitled to seek and rely upon the opinion of or any information furnished by brokers, appraisers and other experts, and shall also be entitled to rely upon reports as to sales and quotations, both on security exchanges and otherwise as contained in newspapers and in financial publications.

(Ord. 892, 10/15/2007, §1)

§1-1233. Miscellaneous Provisions.

1. *Plan Not a Contract of Employment.* No employee of the Township, nor anyone else, shall have any rights whatsoever against the Township or the Administrator as a result of this Plan, except those rights expressly granted to them hereunder. Nothing herein shall be construed to give any employee the right to remain an employee of the Township.

2. *Gender and Number.* For purposes of the Plan and wherever plainly necessitated by the person or context, the masculine shall be read for the feminine, and the singular shall be read for the plural.

3. *Expenses.* To the extent permitted by State law, all expenses related to the operation and administration of the fund and Plan shall be paid from the assets of the fund.

4. *Construction.* The validity of the Plan or any of its provisions shall be determined and construed pursuant to the laws of the Commonwealth of Pennsylvania, the Federal government, and the agencies thereof.

5. *Severability of Provisions.* In the event that any provision, section, subsection, paragraph, sentence, clause, or other part of the Plan shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, subsections, paragraphs, sentences, clauses, or other parts of the Plan.

6. *Headings.* The headings and subheadings employed within the current document have been inserted for convenience of reference and are to be ignored in the construction of the provisions hereof.

7. *Incapacity of Member.* If any member shall be physically or mentally incapable of receiving or acknowledging receipt of any payment of benefits hereunder, the Administrator, upon the receipt of satisfactory evidence that such member is incapacitated to the aforesaid extent and that another person or institution maintains him, may provide for such payment of benefits hereunder to such person or the institution maintaining him, and any such payments so made shall be deemed for every purpose to have been made to such member.

8. *Protective Clause Relative to Administration.* Subject to the provisions of all laws applicable hereto, and unless otherwise specifically required, no past, present, or future officer of the Township shall be personally liable to any participant, beneficiary, or other person under any provision of the Plan.

9. *Sole Benefit.* The income and principal of the Plan are for the sole use and benefit of the members covered hereunder and, to the extent permitted by law, shall be free, clear and not in any way liable for debts, contracts or agreements and from all claims and liabilities now or hereafter incurred by any member, beneficiary, or alternate payee.

10. *Benefits Payable from Other Plans.* The pension or retirement benefits payable hereunder for any month shall be reduced by any pension benefits from pension plans heretofore established by a private organization or association for the members, but only to the extent that the Commonwealth or the Township shall have contributed to such pension plan monies raised by taxation. If the Commonwealth or the Township shall have contributed monies raised by taxation to a pension plan established by a private organization or association for the members, the pension benefits shall be used to reduce or offset pension or retirement benefits paid hereunder only by that proportion of the total pensions payable by virtue of the assets attributable to contributions of monies raised by taxation bears to total assets of said pension plan.

11. *Reversion of Contributions.* If a contribution is made by the Township by mistake of fact, the contribution may be returned to the Township within 1 year after the payment of the contribution.

12. *Spendthrift and Assignment.* The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the member, his survivors or his designated beneficiary, or alternate payee and shall not be subject to assignment or transfer except as provided in subsection .10 hereof.

13. *Headings.* Any headings or subheadings in this Plan are inserted for convenience of reference only and are to be ignored in the construction of any provisions hereunder.

(Ord. 892, 10/15/2007, §1)

C. Employees Pension Plan.**§1-1261. Adoption of Plan.**

The pension plan substantially in the form set forth in the pension plan and trust agreement, copy of which is made a part hereof, be and the same is hereby adopted and to be effective January 1, 1977.

(Res. 76-15, 12/14/1976, ¶1)

§1-1262. Execution and Certification of Plan and Agreement.

The proper officers of the Township be and are hereby authorized and instructed to execute said pension plan and trust agreement and any other necessary instruments for and on behalf of the Township and they are hereby authorized and instructed to certify these instruments to the Township Manager, as trustee and administrator under said pension plan.

(Res. 76-15, 12/14/1976, ¶2; as amended by Ord. 374, 1/10/1989)

§1-1263. Contributions to be Turned Over to Trustee.

The Treasurer be and is hereby authorized to turn over to the trustee contributions as required under the terms of the pension plan and trust agreement on behalf of the Township, to carry such plan into effect.

(Res. 76-15, 12/14/1976, ¶3)

D. Deferred Compensation Plan.**§1-1271. Deferred Compensation Plan Established.**

1. The Township hereby adopts the deferred compensation plan, attached hereto as Exhibit "A," as an amendment and restatement of its present deferred compensation plan administered by the ICMA Retirement Corporation, which shall continue to act as administrator of said plan.

2. *Amended Plan Adopted.*

A. The Ferguson Township Board of Supervisors amends and restates the plan a copy which is attached hereto and made a part hereof as Exhibit B.²

B. The Board of Supervisors hereby specifies that the assets of the plan, with the Township serving as trustee, for the exclusive benefit of the plan participants and their beneficiaries, and the assets shall not be diverted for any other purpose. Indicia of the Township's beneficial ownership of the plan assets held in Vantage Trust further shall be held for the exclusive benefit of the plan participants and their beneficiaries.

[Res. 2004-5]

(Res. 77-14, 12/14/1977; as amended by Res. 83-14, 9/27/1983; by Ord. 548, 2/1/1993, §1; and by Res. 2004-5, 1/19/2004)

§1-1272. Execution of ICMA Retirement Trust.

The Township executes the ICMA Retirement Trust, attached hereto as Exhibit "B."

(Res. 77-14, 12/14/1977; as amended by Res. 83-14, 9/27/1983)

§1-1273. Adoption of Trust Agreement.

The Township hereby adopts the trust agreement with the ICMA Retirement Corporation, as appears as Exhibit "C" hereto, as an amendment and restatement of its existing trust agreement with the ICMA Retirement Corporation, and directs the ICMA Retirement Corporation, as trustee, to invest all funds held under the deferred compensation plan through the ICMA Retirement Trust as soon as is practicable.

(Res. 77-14, 12/14/1977; as amended by Res. 83-14, 9/27/1983)

§1-1274. Township Manager to be Coordinator.

The Township Manager shall be the coordinator for this program and shall receive necessary reports, notices, etc., from the ICMA Retirement Corporation as administrator, and shall cast, on behalf of the Township, any required votes under the program.

(Res. 77-14, 12/14/1977; as amended by Res. 83-14, 9/27/1983)

²Editor's Note: Exhibit B is on file in the Township office.

Part 13

Public Improvements and Assessments

§1-1301. Definitions.

The following words and terms, as used in this Part, unless the context clearly indicates otherwise, shall mean or include the following:

Public Improvement - the construction or extension of improvements, which are intended for the betterment of the Township as a whole, even though the entire Township may not be directly affected. "Public improvements" shall include, but not be limited to, storm sewers and drains, sanitary sewers, streets, curbing, sidewalks and lighting.

Special Assessments - the method by which public improvements are financed or maintained, such as by the front-foot rule, which shall be paid by the owners of real estate benefitted by said public improvement.

(Ord. 133, 3/22/1977, §1)

§1-1302. In General.

The Township shall have the power to make and maintain public improvements and provide for their financing, in whole or in part, by special assessment.

(Ord. 133, 3/22/1977, §2)

§1-1303. Method of Initiation.

Initiation of any public improvement shall be by:

- A. Action by the Board of Supervisors.
- B. Petition signed by a majority of all property owners to be affected by the proposed public improvement, said petition being binding upon the Board of Supervisors.

(Ord. 133, 3/22/1977, §3)

§1-1304. Procedure.

After initiation of a proposed public improvement, the Board of Supervisors shall immediately refer the matter to the Director of Public Works for his report and recommendations thereon. [Ord. 820]

A. *Engineering Report*. The engineering report shall contain but not be limited to the following:

- (1) The engineering desirability of said public improvement.
- (2) The estimated total cost of said public improvement.
- (3) The proposed method of financing.

(Ord. 133, 3/22/1977, §4; as amended by Ord. 820, 12/8/2003)

§1-1305. Final Approval.

Following the receipt of the report and recommendations of the Director of Public

Works, the Board of Supervisors shall reject or accept the public improvement, together with a method of financing said public improvement, if approved.

(*Ord. 133, 3/22/1977, §5; as amended by Ord. 820, 12/8/2003*)

§1-1306. Appeals.

Any owner of real estate affected by a public improvement, who is aggrieved by a special assessment, shall have the right to appeal the propriety of said special assessment by means of an appeal to the Court of Common Pleas of Centre County within 30 days of notice of the assessment in the same manner as appeals from any newly enacted ordinance passed by the Township.

(*Ord. 133, 3/22/1977, §6*)