

HOME RULE CHARTER

TOWNSHIP OF FERGUSON  
COUNTY OF CENTRE

COMMONWEALTH OF PENNSYLVANIA



# Charter

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## **Article I**

### **General Powers**

#### **Section 1.01. Title and Purpose.**

This Charter and all amendments hereto shall constitute the form of government for the Township of Ferguson. Among the purposes of this Charter are: to provide municipal services and facilities with the highest degree of efficiency and economy; to establish a supervisor-manager form of government; to secure all possible municipal home rule and to provide for the health, safety and well-being of the citizens.

#### **Section 1.02. Boundaries.**

The boundaries of the Township shall be the actual boundaries of the Township at the time this Charter takes effect and as they may be lawfully changed thereafter.

#### **Section 1.03. Name of Municipality.**

The Township of Ferguson shall continue to be a municipal subdivision under its present name, "Township of Ferguson." As used in this Charter, the word "Township" shall mean the Township of Ferguson in Centre County, Pennsylvania.

#### **Section 1.04. Powers and Duties.**

A. *Powers.* The Township has and may exercise any power, and may perform any function not denied by the Constitution of the United States, the Constitution of Pennsylvania, by this Charter, or by the General Assembly, at any time.

B. *Construction.* The powers of the Township under this Charter shall be construed broadly in favor of the Township, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article. All possible powers of the Township, except as limited above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the Township or may hereafter from time to time become available.

C. *Residual Powers in the Township Board.* All powers of the Township, including any such power which may hereafter be conferred on the Township by amendment of the Constitution of the United States, or of the Constitution of Pennsylvania, or of this Charter, or by Act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the Township Board. The Board of Supervisors shall be elected, shall organize, and shall function as provided in this Charter.

D. *Regional Cooperation.* The Board of Supervisors shall be empowered to enter into and withdraw from cooperative programs with other municipalities. The Board of Supervisors is urged to participate in regional and intermunicipal cooperation whenever efficiency and economics of services can be improved.



## **Article II**

### **Township Board of Supervisors**

#### **Section 2.01. Status and Title.**

The legislative branch of the government of Ferguson Township shall consist of an elective governing body which shall be known as the Township Board of Supervisors. The Board of Supervisors when lawfully convened, shall constitute a legislative, appropriating, policy-determining and governing body of the municipality.

#### **Section 2.02. Duties and Powers of the Board.**

The Board of Supervisors hereafter referred to as the "Board," shall have, but not by way of limitation, the following required powers and duties:

1. To make appropriations, incur indebtedness and adopt the budget.
2. To adopt, amend or repeal an Administrative Code.
3. To create, alter, combine, or abolish municipal departments, bureaus, boards and commissions not otherwise specified in this Charter.
4. To levy taxes.
5. To fix the amount of bond if required of officers and employees paid from municipal funds.
6. To adopt by resolution all necessary rules and regulations, for its conduct and procedure.
7. To make or cause to be made such studies, or post audits and investigations as it deems to be in the best interests of the municipality.
8. To make provisions for any matter of township government, not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this Charter form of government.
9. Make investigations into any affairs of the Township and subpoena witnesses, administer oaths and require the submission of evidence.
10. To require any Township official or member of any administrative department, board, commission or other agency to appear before it relative to that office, its function and performance subject to a 48 hour written notice, which notice shall state the subject of inquiry and shall be sent to any and all persons required to appear.

#### **Section 2.03. Composition.**

There shall be a Township Board of Supervisors consisting of five members elected by the qualified voters of the Township. Three shall be elected by the ward system and two shall be elected at large. The Board membership may be increased to seven members when the population of Ferguson Township reaches 10,000 people as determined by the most recent regular or special U.S. Census. Approval for addition of the two supervisors at this time shall be by referendum which can be initiated by ordinance or citizen's petition. The election of the additional two supervisors shall be at large and held at the municipal election when the other two supervisors are elected at large.

**Section 2.04. Terms and Elections.**

The regular election of the supervisors shall be held on the general municipal election day as established from time to time by the law of the Commonwealth. The term of the office of Supervisor shall be 4 years, commencing on the first Monday of January following the year in which they are elected, except that a supervisor appointed to fill a vacancy shall serve only until January 1 of the year following the next municipal election as described in Section 2.10. The regular election of supervisors shall be held in such manner that not more than four supervisors are elected in one year for a 4 year term. The limit of four does not apply to special elections to fill supervisor's positions which are vacated prior to the completion of the 4 year term. A board of five supervisors shall be elected as follows: two at large in a municipal election and three by the ward system in the following municipal election. One supervisor shall be elected from each ward. If a ward fails to nominate a candidate in the primary election, that seat reverts to an at-large seat during the general election for the 4 year term. The wards are to be established by the Court of Common Pleas and are to be redistricted every 10 years beginning in 1975. The Board is responsible for petitioning the Court of Common Pleas to reapportion the wards in conjunction with the United States Census.

**Section 2.05. Qualifications for Supervisor.**

A candidate for the office of Supervisor shall be a citizen of the United States and shall have been a resident and a registered elector of Ferguson Township for at least 1 year prior to the date of his/her election.

(As amended by *Ord. 955*, 8/1/2011, §1)

**Section 2.06. Compensation.**

Each supervisor shall receive as compensation an amount that equals the annual compensation permitted by the Second Class Township Code (currently \$3,250.00 per annum). At any time that the Second Class Township Code maximum permitted supervisor compensation increases, the Township of Ferguson's supervisor compensation shall increase without additional vote by the Township electors or the Township Board of Supervisors. Supervisors shall receive no other compensation, direct or indirect, for the performance of their duties; they shall receive no pensions, insurance, or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties, as authorized by the Board.

(As amended by *Ord. 367*, 7/26/1988, §1A; by *Ord. 818*, 8/4/2003, §1A; and by *Res. 2004-25*, 7/6/2004)

**Section 2.07. Authority.**

Supervisory authority shall be the responsibility of the Board. No individual supervisor shall have any authority under this Charter, unless such authority is specifically delegated by the Charter.

**Section 2.08. Prohibitions.**

No supervisor shall hold any other Township office, be a member of a board or commission, or hold Township employment during the term for which he/she is elected to the Board. No former supervisor shall hold any compensated appointive Township employment, nor shall he/she act as a paid consultant to the Township, until 1 year

after he/she leaves office, either by expiration of term, resignation or otherwise. No supervisor shall serve more than two consecutive terms as a member of the Board of Supervisors. Service of 2 years or more of a partial term shall be considered a full term of office and two terms of office separated by at least 2 years shall be considered non-consecutive terms of office.

(As amended by *Res. 2004-25, 7/6/2004*)

**Section 2.09. Vacancies.**

The office of Supervisor shall become vacant upon the Supervisor's death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office after election thereto within 45 days of the commencement of the term thereof. If a ward supervisor changes residence from one ward to another that Supervisor must resign from the Board; if the Supervisor fails to resign the Board shall declare his/her office vacant. A supervisor shall forfeit office if the Supervisor lacks at any time during the Supervisor's term of office, any qualification for the office prescribed in this Charter, or by law or is convicted of a felony or a crime involving moral turpitude or fails to attend at least three or more consecutive regularly scheduled meetings in a 1-year period without being excused by the Board.

(As amended by *Res. 2004-25, 7/6/2004*)

**Section 2.10. Filling of Vacancies.**

The Board shall by a majority vote fill a vacancy by appointing a person qualified under this Charter to hold such office until the following municipal election. An election for the remaining period of the vacated seat will be held if more than 2 years remain in the unexpired term. If a ward seat is vacated, then an election shall be held in that ward, otherwise an at-large election shall be held. If the Board shall refuse, fail or neglect or be unable, for any reason whatsoever, to fill such a vacancy within 45 days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Board or of any five citizens of the Township, fill the vacancy in such office by the appointment of a qualified resident of the Township.

**Section 2.11. Oath of Office.**

The Supervisors, prior to assuming office, shall take and sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge, district magistrate or notary public of the Commonwealth of Pennsylvania and no person shall be permitted to assume such office until the oath, in written form, is filed with the Township.

**Section 2.12. Organization of Supervisors.**

The Board shall organize on the first Monday of January of each year by electing one of their number as Chairman and one of their number as Vice Chairman. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Board may transact any further business it deems necessary or appropriate at the reorganization meeting. At the organization meeting, the Supervisors shall appoint a secretary who will be responsible for minutes, codification and/or maintenance of ordinances and other duties as assigned by the Board. The secretary may be the manager or other Township employee.

**Section 2.13. Meetings.**

The Board shall meet not less than once a month. The Board may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held. Special meetings may be called by the Chairman upon written request of at least 1/3 of the members thereof. Members shall have at least 24 hours notice of such special meetings. The notice shall state whether it is for general or special purpose, and if it is for special purposes, the notice shall contain a statement of the nature of business to be considered. Presence at a meeting constitutes waiver of notice. The Manager is responsible for publishing in a local newspaper of general circulation, a notice containing the agenda items between 3 and 7 days prior to the general business meeting and 1 to 14 days prior to a special meeting of the Board. Regular meetings are defined as the scheduled meetings as set by the Board of Supervisors at their organizational meeting on the first Monday after January 1 of each year.

(As amended by *Ord. 367, 7/26/1988*)

**Section 2.14. Records.**

Supervisors shall make and preserve minutes and records of its proceedings. These minutes and records shall be open for public inspection during regular business hours.

**Section 2.15. Public Meetings.**

All official meetings of the Board shall be open for public attendance all official votes of the Board shall be taken openly.

**Section 2.16. Operating Rules.**

The Board shall adopt rules of procedure for its meetings and for assignment of members to committees. Such rules shall be designed so as to assure full and equal participation in the deliberations of the Board by all of its members.

**Section 2.17. Quorum.**

A majority of the members of the Board shall constitute a quorum. The Board shall conduct no business except in the presence of a quorum.

**Section 2.18. Majority Action.**

The action of a majority of the entire Board, unless otherwise stated in this Charter, shall be binding upon and constitute the action of the Board.

**Section 2.19. Form of Action by the Board.**

Official actions of the Board may be taken by adoption of an ordinance, or a resolution, or by motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Board shall be by resolution or motion, unless otherwise required by State law, in this Charter, or in the ordinance establishing the rules of Board procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each member of the Board shall be entered in the minutes of the meeting.

**Section 2.20. Citizens Right to be Heard.**

The Board shall provide reasonable opportunity for Township residents to address the Board on matters of general or special concern. This opportunity shall be afforded the public either at the regular monthly Board meeting or at another regular monthly meeting specially set for this purpose. Further, the public shall have the right to submit agenda items to the Board for the next scheduled meeting. These agenda items are to be submitted at least 1 week prior to the scheduled meeting. Accepted agenda items are to be published between 3 and 7 days before the meeting, as specified in Section 2.13.

(As amended by *Ord. 367, 7/26/1988*)

**Section 2.21. General Ordinance Requirements.**

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting where final action thereon was taken. The official seal of the Township shall be affixed to the original copy of each ordinance. However, failure on the part of the presiding officer to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance. No final action shall be taken on any ordinances and amendments thereto without public hearing thereon and at least 10 days prior public notice, containing a summary of the major provisions of the ordinance or the entire ordinance, in a newspaper circulating generally in the Township.

**Section 2.22. Recording of Ordinances and Resolutions.**

All ordinances and resolutions of the Township shall be entered verbatim in permanent separate record books for ordinances and resolutions. No ordinance shall be considered in force until the same is recorded in the ordinance book. The ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the Township Manager and all entries made therein shall be at the direction of the Manager.

**Section 2.23. Publication and Effective Date of Ordinances.**

After adoption, all ordinances shall be published one time in a newspaper circulating generally within the Township. The full text of the ordinance need not be published; instead the title and a general summary of the substance of the ordinance will be sufficient to meet publication requirement. Publication shall occur within 30 days of the enactment of the ordinance. The effective date of the ordinance shall be the publication date unless a later date is specified in the ordinance, or required by the laws of the Commonwealth of Pennsylvania.

**Section 2.24. Penalties.**

Penalties for violation of any ordinance shall be specified in the ordinance or in the Administrative Codes. Any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such. The limit of fines may be increased by the Supervisors to the extent of the maximum fine that may be levied by any non-charter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

**Section 2.25. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or public safety, the Board by a  $\frac{2}{3}$  vote of the entire Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within 10 days in a daily newspaper of general circulation. Unless otherwise revoked, emergency ordinances will be subjected to a time limit of one year after the date of passage.

**Section 2.26. Codification of Ordinances.**

Within 3 years after adoption of this Charter, all ordinances and resolutions of the Township of a general and permanent nature shall be codified and promulgated according to a system of continuous numbering and revision as specified by ordinance.

## **Article III**

### **Township Manager**

#### **Section 3.01. Nature and Title.**

The executive branch of the government of Ferguson Township shall be administered by an appointed Manager, hereafter known as the Township Manager who shall be the chief executive and administrative official of the Township government.

#### **Section 3.02. Appointment, Qualifications and Compensation.**

The Board of Supervisors shall appoint a Township Manager for an indefinite term and fix his compensation. The Manager shall be appointed solely on the bases of his executive and administrative qualifications, in the operation of local government. The Manager shall become a resident of the Township within 1 year of his appointment unless unanimous approval of the Board is received to the contrary. The Manager shall devote full time to the office of Manager except as may be provided by the Board through intergovernmental cooperative agreements with other municipalities.

#### **Section 3.03. Powers and Duties.**

The Township Manager shall be the chief administrative officer of the Township. The Manager shall be responsible to the Board for the management of all Township affairs placed in the Manager's charge by or under this Charter.

1. The Manager shall appoint, suspend, or remove all Township employees except as provided by law or by this charter. The appointment, suspension or removal of all department heads is subject to the approval of the Board. In the event that a Civil Service Commission is established by the Administrative Code, then the Manager's right to appoint, suspend, or remove Township employees (other than department heads) shall be subject to the regulations and limitations of the Civil Service Commission. The Manager may authorize any employee who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates on that employee's department, office or agency.

2. The Manager, or any officer designated by the Manager, subject to the approval of the Board shall arrange to collect, receive, account for and deposit in the Township treasury all taxes, fees and assessments or other charges established by the Township. The Manager shall also be empowered to collect all county, school, institution district, and other taxes levied within the Township by authorities empowered to levy taxes.

3. The Manager shall direct and supervise the management of all departments, offices and agencies except as otherwise provided by law or by this Charter.

4. The Manager shall participate in all meetings of the Board, but may not vote.

5. The Manager shall prepare and submit the annual budget and capital program to the Board.

6. The Manager shall prepare in a form suitable for publication within 90 days after the close of the fiscal year, a report on the finances and the administrative activities of the Township.

7. The Manager shall make other reports required by the Board concerning the operation of the Township offices, departments and agencies which are subject to the Manager's supervision.

8. The Manager shall have authority to preserve order in the Township.

9. The Manager shall have the authority to enforce the ordinances and regulations of the Township.

10. The Manager shall have the authority to represent the Township in deliberations with other governmental bodies.

11. The Manager shall have the authority, subject to the approval of the Board, to negotiate intergovernmental agreements in accordance with the laws of the Commonwealth.

12. The Manager shall have the authority, as established by the Board, to exercise emergency powers due to natural disasters or violent actions.

13. The Manager shall perform any additional duties specified by the Board or by the Charter.

14. The Manager shall assure that the laws of the State relating to the affairs and government of the Township are duly executed and enforced within the municipality.

15. The Manager shall have all necessary incidental powers to perform and exercise any of the duties and functions as set forth in this Chapter or lawfully delegated to the Manager.

(As amended by *Ord. 367, 7/26/1988, 51(F & G)*; and by *Res. 2004-25, 7/6/2004*)

### **Section 3.04. Removal of the Manager.**

The Board may remove the Manager from office in accordance with the following procedures:

1. The Board, by a majority vote of all members, shall adopt a preliminary resolution stating cause for removal and providing for a period of suspension not exceeding 45 days. A copy of the resolution shall be promptly delivered to the Manager. During the period of suspension, the Manager shall receive his/ her regular salary.

2. Within 5 days after receipt of the resolution, the Manager may file a written request to the Board for a public hearing. If a written request for public hearing is timely made, the Board shall schedule and hold a public hearing not earlier than 15 days nor more than 30 days from the date upon which the request is received.

3. If a written request for public hearing is not timely made, the Board, by affirmative vote of a majority of all members, may adopt a final resolution of removal of the Manager, to be effective immediately.

4. If a request for public hearing is timely made and the hearing is held, the Board, by affirmative vote of a majority of all members, upon cause found at the public hearing, may adopt a final resolution of removal of the Manager, to be effective immediately.

5. In the event of removal of the Manager, the Manager shall be compensated at his regular rate of pay for 90 days from the effective date of the final resolution of removal; provided, however, in the event that the Manager has been

convicted of a crime, an element of which is *mens rea*, then the Manager shall not be entitled to compensation from the date of conviction onward.

(As amended by *Ord. 367, 7/26/1988, 41H*; and by *Res. 2004-25, 7/6/2004*)

**Section 3.05. Limitation on the Board.**

The Board shall not direct or request the Manager to appoint or remove from employment any employee of the Township. Except for the purpose of inquiry, the Board shall deal with the Township departments and employees solely through the Manager, and shall not give orders to any subordinates of the Manager, either publicly or privately.

**Section 3.06. Prohibitions.**

The Manager shall devote full time to the office, and hold no other elective or appointive office or municipal employment in which he receives salary, compensation or emolument, except as specifically approved by the Board.



## Article IV

### Other Township Officers and Employees

#### Section 4.01. Auditor.

[Repealed by *Ord. 183*, 1/30/1979]

#### Section 4.02. Assessor.

(Deleted in its entirety *Ord. 818*, 8/4/2003)

#### Section 4.03. Legal Officer (Solicitor).

A. *Appointment, Qualification and Compensation.* The Board shall appoint a legal officer for the Township and establish a suitable compensation. The legal officer shall be appointed on any basis which will most efficiently serve the needs to the Township. The legal officer shall be learned in the law and engaged in active legal practice in the Commonwealth of Pennsylvania.

B. *Powers and Duties.* The Township legal officer, when directed or requested to do, shall prepare or approve such bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the Township may be a party; the legal officer shall commence and prosecute all actions brought by the Township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend all actions or suits against the Township, or any officer thereof, wherein or whereby any of the estates, rights, trusts, ordinances, resolutions or accounts of the Township, may be brought in question before any court in the Commonwealth and shall do every professional act incident to the office which the legal officer may be authorized or required to do by the Board of Supervisors or the Manager. The legal officer shall, whenever directed by members of the Board of Supervisors or the Manager, furnish members of the Board or other Township departments, offices and agencies with his/her opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

(As amended by *Ord. 367*, 7/26/1988, §1J; and by *Res. 2004-25*, 7/6/2004)

#### Section 4.04. Other Township Officers and Employees.

The Board may establish other offices or positions in addition to those created by this Charter and may prescribe the functions thereof. All offices assigned to the Manager by the Board may be administered by an officer or employee appointed by and subject to the direction and supervision of the Manager. The Manager may serve as head of one or more of these offices subject to the approval of the Board.



## **Article V**

### **Personnel**

#### **Section 5.01. Township Employees - Qualification.**

All appointments of Township officers and employees shall be made solely on the basis of merit and fitness as demonstrated by examination or other evidence of competence.

#### **Section 5.02. Rules and Regulations.**

The Board shall provide for the adopting of a set of rules and regulations governing Township employees which provides for:

1. Classification of all Township positions based on duty, authority and responsibility, of each position with adequate and proper reclassification when required.
2. A pay plan for all Township employees.
3. Methods for evaluating employee performance for promotion or merit and fitness of candidates for appointment.
4. Policy and procedures regulating reduction in force or removal.
5. Working hours, attendance regulations, sick and vacation leave.
6. Policies and procedures governing persons holding provisional appointments.
7. Policies and procedures governing relationship with employee organizations.
8. Policies regarding in-service training programs.
9. Grievance procedures.
10. Other practices and procedures necessary for efficient and effective administration of the Township personnel system.

#### **Section. 5.03. Civil Rights.**

The Township shall not deny to any person the employment of any civil right nor discriminate nor allow discrimination against any person in the exercise of any civil right because of race, color, religious belief, ancestry, sex, age, or national origin.

#### **Section 5.04. Bonding.**

The Manager shall give bond to the Township, subject cost to be paid by the Township, as approved by the Board in such sum as to faithfully perform the Manager's duties. This requisite, if required by the Board, shall be done by ordinance. If the Manager is appointed as the Secretary-Treasurer or Treasurer alone, such bond shall be necessary as to meet the requirements of surety for the faithful performances as Secretary/Treasurer or Treasurer.

(As added by *Ord. 367, 7/26/1988, §1K*; and as amended by *Res. 2004-25, 7/6/2004*)



## Article VI

### Departments, Boards and Commissions

#### Section 6.01. General Provisions.

The Board may establish Township departments and agencies in addition to those created by this Charter and prescribe the functions thereof except that no function assigned by this Charter may be discontinued unless specifically rescinded by referendum. All departments under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager with the consent of the Board. The Manager may serve as the head of one or more departments or appoint one person to head up two or more departments. (As amended by *Ord. 367, 7/26/1988, §1L*)

#### Section 6.02. Planning Commission.

There shall be a Township Planning Commission which shall prepare a Comprehensive Plan as defined by Act 247, and be formed, organized, and have all the responsibilities which are specified in the Pennsylvania Municipalities Planning Code, Act 247 as amended.

#### Section 6.03. Adjustment.

There shall be a Zoning Hearing Board which shall be formed, organized and have all the responsibilities as specified in the Pennsylvania Planning Code, Act 247 as amended. The Zoning Hearing Board shall also function as a board of adjustment and perform additional duties as specified in the Administrative Code.

#### Section 6.04. Tax Review Board.

A. *Organization and Term of Office.* The Board shall provide a Tax Review Board which consists of seven members distributed as follows:

1. Seven residents, two from each of the three wards and one at large. A citizen representative shall be appointed by the Board for a term of office every 4 years; provided that terms shall be staggered so that every 2 years a representative is appointed from each of the three wards and every 4 years a representative is appointed at large. [*Ord. 818*]

B. *Powers and Duties.*

1. Review and monitor the taxing program of the Township.
2. Prepare a tax exoneration policy for the Township and submit it to the Board for approval.
3. Review exoneration lists and recommend action.
4. Establish a long-term tax plan for the Township.
5. Review the existing tax program consistent with current and projected budget requirements.

(As amended by *Ord. 818, 8/4/2003; and by Res. 2004-25, 7/6/2004*)



## **Article VII**

### **Financial Procedures**

#### **Section 7.01. Fiscal Year.**

The fiscal year of the Township shall begin on the first day of January and end on the last day of December of each year.

#### **Section 7.02. Budget Documentation.**

The budget shall provide a complete financial plan of all Township funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the manager deems desirable or as the Supervisors or State law may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. The budget shall contain, inter alia, the following:

1. It shall begin with a general summary of its contents.
2. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
3. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
4. It shall show the number of proposed employees in every job classification.
5. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year, and actual income and expenditures of the preceding fiscal year.
6. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
7. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

(As amended by *Res. 2004-25, 7/6/2004*)

#### **Section 7.03. Budget Preparation.**

At least 45 days prior to the beginning of the fiscal year, the Manager shall prepare and submit to the Board a budget and capital program presenting the financial plan for conducting the affairs of the Township for the ensuing year.

#### **Section 7.04. Public Record.**

The budget and capital program shall be public records, available for public inspection after submission to the Board and prior to adoption and after adoption, during regular business hours.

#### **Section 7.05. Budget Review.**

The Board or a committee of the Board shall review the budget and the capital program and not later than the first of December file with the Township Manager its report including any recommendation proposed therein.

**Section 7.06. Budget Hearing.**

Not later than the first of December, the Manager shall arrange for publication in a newspaper of general circulation within the Township a notice of the time and place of a public hearing on the budget and capital program. The public hearing will take place between the third and fifteenth of December at a time and place designated by the Board. Copies of the proposed budget shall be available at the Township Office for public inspection at least 5 days prior to the public hearing. The availability of copies of the budget shall be noted in the newspaper advertising the public hearing.

**Section 7.07. Adoption.**

The Board in considering the budget may revise, alter, increase or decrease the items in the budget and capital program. Any revision of the budget in which the estimated expenditures in the adopted budget will be increased more than 10%, in the aggregate or more than 25% in any individual item over the proposed budget, then the budget may not be adopted until public notice is given in a newspaper of general circulation in the Township at least 3 days prior to reconsideration of the adoption of the revised budget. At least 5 days before the start of the forthcoming fiscal year, the Board shall adopt the budget. If a budget has not been adopted as herein provided, on or before the first of January, then the budget as submitted by the Manager, as specified in Section 7.03, shall be the budget for the ensuing year.

(As amended by *Ord. 367, 7/26/1988, §1M*)

**Section 7.08. Amendment After Adoption.**

In amending the budget, the Board may increase or decrease programs or amounts except for expenditures required by law, or for debt service; provided, that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated revenue. Prior to the adoption of the amendment a public hearing shall be scheduled following publication of the time and place in a newspaper circulating generally within the Township. The public hearing shall take place within a period of 2 weeks following the declaration of the amendment which shall be done by resolution and shall ensure that the income and expenditure totals balance.

(As amended by *Ord. 367, 7/26/1988, §1N*)

**Section 7.09. Appropriations.**

Adoption of the budget and amendments thereof shall constitute appropriations for the expenditures set forth therein and shall constitute a levy of the taxes therein proposed.

**Section 7.10. Payment of Funds.**

Payment of Township funds shall require specific approval of the Board in accordance with the provisions of the budget. The Board may by resolution transfer unencumbered monies from one account to another by providing that a balanced budget is retained except in those cases involving payment of debt or special tax funds. All

checks or drafts of the Township shall be signed by the Manager. Those checks in excess of an amount, which shall be set by the Board of Supervisors by ordinance, must be countersigned by the Chairman or the Vice Chairman of the Board.

(As amended by *Ord. 367, 7/26/1988, §10*)

**Section 7.11. Independent Audit.**

The Board shall provide for an independent annual audit of all Township revenues and accounts by a Certified Public Accountant or firm of Certified Public Accountants. The Board may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the Township shall be presented to the Board and published in a newspaper circulating generally in the Township by April 15 of the year following the fiscal year audited. [See also *Ord. 183, 1/30/1979.*]



## Article VIII

### Contracts

#### **Section 8.01. Procedure.**

The Township shall by ordinance establish a system of competitive bidding including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations and waivers as it shall from time to time deem advisable.

#### **Section 8.02. Requirements.**

All contracts of the Township for purchase of capital equipment, goods or supplies shall be bid as required by the Administrative Code bid requirements and limitations. All contracts in excess of the bid amount established by the Administrative Code shall be in writing and shall be executed on behalf of the Township by the Chairman of the Board, or, in the Chairman's absence, the Vice Chairman of the Board. The Chairman of the Board shall also execute all contracts, regardless of amount, for the purchase, sale, leasing or use of real estate. The Manager shall execute all contracts on behalf of the Township involving sums less than those established by the Administrative Code to be competitively bid. If provided by ordinance, the Manager may execute contracts above the amount established by the Administrative Code requirements. Authorization for contracts for the construction of public capital improvements shall be given by resolution. Any officer required to execute a written contract may request the Township legal officer to approve the same as to form and liability.

(As amended by *Ord. 367, 7/26/1988, §1P*; and by *Ord. 906, 7/21/2008, §1.B*)

#### **Section 8.03. Competitive Bids.**

Except as otherwise provided in this Charter, no contract for supplies, materials, labor, franchise, or other valuable consideration, to be furnished to or by the Township, shall be authorized on behalf of the Township except with the lowest responsible bidder after competitive bidding.

#### **Section 8.04. Bidding Procedure.**

The Township shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver, and exceptions as it shall from time to time deem advisable.

#### **Section 8.05. Exceptions to Competitive Bidding.**

Competitive bidding shall not be required under this Charter for:

1. Labor or services rendered by any Township officer or employee.
2. Labor, material, supplies, or services furnished by one government entity to another government entity.
3. Contracts for labor, material, supplies, or services totaling less than the dollar amount required for competitive bidding by State mandate for Second Class Townships.

4. Contracts for labor, material, supplies, or services available from only one vendor.
5. Contracts relating to the acquisition or use of real property.
6. Contracts for professional or personal services.
7. Contracts for insurance and surety company bonds.
8. Contracts to fulfill emergency requirements of the Township.
9. Contracts with other governmental entities, authorities, agencies, or political subdivisions.

(As amended by *Ord. 367, 7/26/1988, §1Q*)

**Section 8.06. Personal Interest in Contracts.**

No supervisor, nor any other Township officer or employee, shall solicit, benefit by, or be financially interested, directly or indirectly, in any contract for the purchase of property or services (except for the services for which the individual is specifically retained) to be paid from the Township treasury.

(As amended by *Res. 2004-25, 7/6/2004*)

## Article IX

### Initiative, Referendum and Recall

#### Section 9.01. Free Petition.

The Board shall receive all petitions addressed to them and take such action as they deem necessary and advisable.

#### Section 9.02. Group Petitions.

The Board shall hold a public hearing and act with respect to every petition which is addressed to them which is signed by at least fifty electors. Action on the petition shall be taken not later than 3 months after the petition is filed with the Board. The Board shall notify the petitioners at least 48 hours before the hearing by advertising in a newspaper of general circulation in the Township.

#### Section 9.03. Citizen Initiative and Referendum.

A. *General Authority - Initiative.* All qualified electors of the Township shall have the power to propose ordinances to the Board in accordance with the provisions of this Charter. If the Board fails to adopt said ordinance without change in substance, the electors shall have the right to adopt or reject these ordinances at a municipal election. This power shall not extend to the budget, capital program, appropriation of money, levy of taxes or salaries of Township officials or employees.

B. *General Authority - Referendum.* All qualified electors of the Township shall have the power to require reconsideration by the Board in accordance with the provisions of this Charter, of any adopted ordinance not related to the budget, capital program, appropriation of money, levy of taxes and emergency measures and to approve or reject it at a municipal election if the Board fails to repeal said ordinance.

C. *Petitioner's Committee - Affidavit.* Any five qualified electors of the Township may commence initiative or referendum by filing with the Township Office an affidavit outlining committee membership, circulation procedures, committee addresses and the full text of the proposed new ordinance or the ordinance to be reconsidered. The Township shall issue the proper petition blanks to the committee.

#### D. *Petition.*

1. All initiative and referendum petitions shall be signed by at least 15% of the qualified electors registered to vote at the last Township election.

2. The petition form and content shall be uniform and suitable for filing.

3. Each signature shall be in ink and shall be accompanied by the signer's address and date.

4. The petition shall contain the full text of the proposed ordinance or the ordinance to be reconsidered.

5. On the back of each page of the petition there shall be an attached affidavit executed by the circulator verifying the authenticity of the signers.

6. Referendum petitions must be filed within 30 days following the adoption by the Board of the ordinance sought to be reconsidered.

#### E. *Procedures.*

1. The Township Office shall verify the accuracy and sufficiency of the petition within 30 days after filing, specifying if improper the particulars, and returning a copy of the certificate to the petition committee for corrective action. The petition committee shall file for a supplementary petition within 2 days of the receipt of the certificate and return the completed supplementary petition to the Township Office within 10 days. If within 5 days of the receipt of the supplementary petition, the amended petition is improper or insufficient, the petitioners' committee shall file for an additional supplementary petition or request council review. If neither action is taken within 10 days, the Township Office shall file the certificate with the Board and the certificate will constitute the final determination as to the sufficiency of the petition.

2. *Board Review.* If the petition is certified insufficient and the petitioner does not file for amendment or if the amended petition is judged insufficient, the committee may, within 2 days after receiving the certificate, file a request with the Board for review. The Board shall review the certificate at its next meeting and rule on the sufficiency. The Board ruling will then constitute the final determination as to the sufficiency of the petition pending court review.

3. *Court Review.* The final determination of the insufficiency of the petition shall be subject to court review. Any such appeal to the Court of Common Pleas for review must be filed within 10 days after final determination by the Board. A final determination of the Court of insufficiency does not prejudice in any manner the filing of a new petition for the same purpose.

F. *Referendum Petitions - Suspension of Ordinance.* When a referendum petition is filed with the Township, the ordinance sought to be reconsidered shall be suspended from taking effect. The suspension shall terminate when:

1. There is a final determination of insufficiency.
2. The petitioner's committee withdraws the petition.
3. The Board repeals the ordinance.
4. Thirty days have elapsed after the vote of the Board on the ordinance.

G. *Action on Petition.*

1. *Action by the Board.* When the initiative or referendum petition has been judged sufficient the Board shall promptly consider the proposed initiative ordinance in a manner outlined by this Charter or reconsider the referred ordinance by repealing it. If the Board fails to adopt the initiative ordinance within 60 days, or repeal the referred ordinance within 30 days after the date the petition was judged sufficient, it shall submit the proposed or referred ordinance to the voters of the Township.

2. The vote of the Township electors on a proposed or referred ordinance shall be held at the next following primary, municipal or general election occurring not less than 60 days, nor more than 6 months, from the date of the final Board action. [Ord. 818]

3. An initiative or referendum petition may be withdrawn by four members of the petition committee at any time prior to the fifteenth day after the petition was judged sufficient.

H. *Election Results.*

1. *Initiative.* If a majority of qualified electors favor the proposed initiative ordinance, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the larger number of affirmative votes shall prevail to the extent of the conflict.

2. *Referendum.* If a majority of qualified electors reject a referred ordinance, it shall be considered repealed upon certification of the election results.

(As amended by *Ord. 367*, 7/26/1988, §1(R, S & T); by *Ord. 818*, 8/4/2003; and by *Res. 2004-25*, 7/6/2004)

#### **Section 9.04. Recall.**

Any person holding a Township elected office whether by election, succession or appointment to fill a vacancy shall be subject to removal from office at a recall election in accordance with the provisions outlined in this Charter.

A. *Recall Procedure.* The recall of an incumbent of an elective office shall be initiated by a petition signed by 30% of the electors of the Township as determined by the number of registered electors who were registered at the most recent general election. The recall petition must name both the office and official against whom it is directed. Each elector signing the recall petition must in addition to his/her signature include his/her occupation, residence, election precinct and date of signing. Signature may be on separate sheets but the form and content must be uniform and suitable for filing. On the back of each sheet an affidavit must be included by the circulator verifying the authenticity of the signers, their awareness of the contents of the petition and that the other information is correct. The recall petition shall be submitted to the cognizant board of elections of the Township by the recall committee. Signatures and date more than 60 days prior to submission to the board of elections shall be invalid. Upon receipt by the board of elections, the petition shall be made available for public inspection. The board of elections shall pass on the validity of the petition. The decision of the election board shall be subject to review upon appeal to the Court of Common Pleas. Any such appeal must be filed within 10 days after the decision of the election board.

B. *Notice to Incumbent.* Upon verifying the validity and sufficiency of the petition, the election board shall notify the incumbent named of this fact. Upon receipt of such notice, the incumbent may resign thereby terminating the recall proceedings.

C. *Recall Elections.* If the incumbent does not resign within 10 days after receiving notice of the filing of the petition, a recall election shall be arranged. If a regular election is to occur not less than 30 days or more than 90 days after the 10 days grace period, the recall question shall be placed before the electors at this time. Otherwise a special recall election shall be arranged by the election board not earlier than 30 days or more than 90 days following the 10 days grace period. If the incumbent resigns in the intervening period, the election shall not be held. The question presented to the voters at a recall election shall read as follows:

"Shall (name of incumbent) be recalled and removed from the office of (name of office)?"

Proper provision shall be made for the elector to vote "yes" or "no" on the question. If a majority of registered electors who vote at a recall election vote "yes," the incumbent shall be recalled and removed from office. If a majority vote "no," the incumbent shall remain in office. If the result is in the affirmative, the official

date of removal and vacancy shall correspond to the date of the certification of the election unless postponed by the court.

(As amended by *Ord. 367*, 7/26/1988, §1M; and by *Res. 2004-25*, 7/6/2004)

**Section 9.05. Limitations.**

No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of that person's office or within nine months after an unsuccessful recall election against that person. Any officer re-elected to a successive term shall be subject to recall also during the first year of such term.

(As amended by *Res. 2004-25*, 7/6/2004)

## **Article X**

### **Transition**

#### **Section 10.01. Rights and Liabilities of the Township.**

The Township shall continue to own, possess, and control all rights and property, of every kind and nature, owned, possessed or controlled by it when this Charter takes effect, and shall be subject to all its debts, obligations, liabilities, and duties.

#### **Section 10.02. Continuance of Contracts, Public Improvements and Taxes.**

All contracts entered into by the Township, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the Township which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

#### **Section 10.03. Pending Actions and Proceedings.**

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the Township or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

#### **Section 10.04. Continuation of Ordinances.**

All ordinances, resolutions, rules, and regulations, or portions thereof, in force when this Charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded, or expired by their own terms. All ordinances and resolutions in continued effect as of the effective date of this Charter shall be construed as if enacted under this Charter, but as of the date of their original enactment.

#### **Section 10.05. Temporary Ordinances.**

The Board may adopt, within 60 days after the date upon which this Charter takes effect, temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. All temporary ordinances and subsequent amendments made following adoption shall be automatically repealed as of the ninety-first day following the date of adoption. It shall not be re-adopted, renewed or otherwise continued unless adopted in the manner prescribed in Article II of this Charter for ordinances of the type concerned.

#### **Section 10.06. Authority of Existing Officers.**

The supervisors in office at the time this Charter becomes effective shall remain in office for the full terms for which they were originally elected. However, they shall

have the responsibilities, duties, and compensation, and authority only as set forth in and pursuance of this Charter. All other elected officials of the Township in office at the time this Charter becomes effective shall remain in office for the full term for which they were elected and they shall continue to perform the duties and receive the same compensation which they received prior to the adoption of this Charter. However, should any of such other offices become vacant for any reason, the vacancies shall not be filled, but the duties of the offices shall instead pass to the persons designated in this Charter.

**Section 10.07. Departments, Offices and Agencies.**

1. *Transfer of Powers.* If a Township department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the Township department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the Board.

2. *Property and Records.* All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties. In the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the Board in accordance with this Charter.

**Section 10.08. Employee Rights and Privileges.**

An employee holding a Township position at the time this Charter takes effect who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to this Charter.

**Section 10.09. First Election.**

At the time of its adoption, this Charter shall be in effect to the extent necessary in order that the first election of members of the Board may be conducted in accordance with the provisions of this Charter. The first election shall be held at the first municipal election following the adoption of this Charter.

**Section 10.10. Transition - Elected Officials.**

A. *Supervisor.* The office of the Supervisor which was filled in the 1973 election shall be declared a ward supervisor office. The supervisor filling this position at the time the Charter takes effect shall be considered a ward supervisor. The ward shall be that district in which the supervisor resides. Two ward supervisors, one from each of the other two wards will be elected in the 1975 municipal election to four terms. One supervisor will be elected in the 1975 municipal election for a special 2 year term to complete the five person Board. The incumbent supervisors elected in 1971 will remain in office until the expiration of this term in 1977. Two supervisors shall be elected at large in the 1977 municipal election for a term of 4 years. Three supervisors, one from each ward, shall be elected in the 1979 municipal election for a term of 4 years. This will end the transition period. The normal manner of election shall continue in that

three supervisors shall be elected, one from each ward at one municipal election followed by two supervisors at large in the following municipal election all for 4 year terms.

B. *Auditor*. One auditor shall be elected from the first ward in the 1975 municipal election for a 4 year term. In the 1977 municipal election one auditor shall be elected from the second ward and two auditors shall be elected in the 1979 municipal election from the first and third wards, all for 4 year terms. The incumbent auditors shall remain in office for the duration of their term. This will complete the transition cycle. A normal schedule of alternately electing one auditor from the second ward and two auditors from the first and third wards for 4 year terms shall continue.

C. *Assessor*. The assessor shall be elected for a 4 year term in the municipal election of 1977. This will complete the transition cycle. A normal schedule of electing the assessor every 4 years thereafter shall be continued.

D. *Tax Review Board - Citizen Representatives*. 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 three years and/or 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.



## **Article XI**

### **General Provisions**

#### **Section 11.01. Amendments.**

Amendments to this Charter shall be in conformity with the provisions of Act 62 of 1972 and as amended.

#### **Section 11.02. Election Procedures.**

The procedure for nomination and election of all Township officials shall be in accordance with the applicable provisions of the Election Code.

#### **Section 11.03. Severability.**

If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision involved.

#### **Section 11.04. Effective Date.**

This Charter, with the exception of the transition proceedings of Article X shall become effective and shall be deemed operative on the first Monday of January, 1976. The transition procedures shall become effective immediately upon certification by the election board of the approval of the Charter by the electorate.

