ORDINANCE NO. 2 of 2023
FOSTER TOWNSHHIP, LUZERNE COUNTY, PENNSYLVANIA

An Ordinance of the Township of Foster, County of Luzerne, and Commonwealth of Pennsylvania, establishing the office of Township Manager and providing the manner of filling the office, the amount of bond, method of compensating the officer and the powers and duties of the office.

Be it ordained and enacted by the Board of Supervisors of the Township of Foster, County of Luzerne, and Commonwealth of Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. OFFICE OF THE TOWNSHIP MANAGER. The office of Township Manager is hereby established under Article XIII, Section 1301 of the Second Class Township Code.

SECTION 2. TITLE. This ordinance shall be known as the "Foster Township Manager Ordinance."

SECTION 3. APPOINTMENT, REMOVAL AND TEMPORARY REPLACEMENT.

A. Appointment. The Township Manager shall be appointed to the office by a majority vote of the Board of Supervisors.
B. Removal. The Township Manager shall serve at the pleasure of the Board of Supervisors and may be removed at any time by a majority vote of the Board of Supervisors, subject to contractual rights that may arise under an employment agreement that may be entered into under Section 4 of this Ordinance.
C. Temporary Replacement. In case of illness or absence of the Township Manager from the Township, the Board of Supervisors shall designate a qualified individual to perform temporarily the duties of the Manger during such absence.

SECTION 4. EMPLOYMENT AGREEMENT. The Board of Supervisors may enter into an employment agreement with the Township Manager. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the Board of Supervisors organizational meeting following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this Section may specify conditions under which the Township Manger would be entitle to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or confer upon the Township Manager any legal remedy based on specific performance.

SECTION 5. CONTRACTS. The Township Manager shall have no personal interest, direct or indirect, in contracts with the Township.

SECTION 6. QUALIFICATIONS. The Township Manager shall be chosen solely on the basis of his or her executive and administrative qualifications, education, and experience.

SECTION 7. BOND. The Township Manager shall post bond with the Township, with sufficient surety, in the amount directed by the Board of Supervisors, conditioned upon the faithful performance of the duties of the office.

SECTION 8. MANAGER'S COMPENSATION. The compensation of the Township Manager shall be set by resolution by the Board of Supervisors and paid out of the general fund of the Township. The resolution setting the compensation of the Township Manager may be changed from time to time at the discretion of the Board of Supervisors.

SECTION 9. POWERS AND DUTIES. Subject to recall by the Board of Supervisors, the powers and duties of the Township Manager shall include, but shall not be limited to, the following:

A. Supervise all municipal departments.
B. Recommend to the Board of Supervisors such Administrative and Personnel Rules and Regulations not in conflict with existing statutes or ordinances to properly carry out the duties contained in the Ordinance. The Board of Supervisors may adopt such recommendations by resolution at a public meeting.
C. Prepare and submit to the Board of Supervisors a recommended budget for the ensuing fiscal year in sufficient time so that said Board may review, amend, and/or adopt the budget prior to the close of the current fiscal year. The budget is to be accompanied by explanatory message setting forth a summary of projected revenues and proposed expenditures, together with any supportive data as may be required to enable the Board of Supervisors to decide upon and adopt the necessary taxation and appropriate legislation. Upon adoption of the budget by the Board of Supervisors, the Township Manager by responsible for the efficient administration thereof so that the various appropriations are not exceeded, except as may be authorized by the Board of Supervisors and in accordance with the laws relating to the same.
D. Develop, in conjunction with the preparation of the yearly budget, long-range fiscal plans for the Township, such plans to be presented annually to the Board of Supervisors for its consideration.
E. Hold such other municipal offices and to head municipal departments as the Board of Supervisors may from time to time direct.
F. Attend all meetings of the Township Board of Supervisors, and of its committees, with the right to take part in the discussions. The Township Manager shall inform all members of the Board of Supervisors of all functions and meetings, including special meetings of the Board of Supervisors.
G. Prepare the agenda for each regular and special meetings of the Board of Supervisors and supply facts pertinent thereto.
H. Keep the Board of Supervisors informed as to the conduct of the Township finances and such other reports as the Board of Supervisors shall request; and shall make such recommendations to the Board of Supervisors as he or she deems necessary and advisable for the welfare of the Township.
I. Submit to the Board of Supervisors, as soon as possible after the close of the fiscal year, a complete report on the finances and the administrative activities of the Township for the preceding year.
J. Monitor all developer bonds and other forms of securities, franchises, leases, contracts, and privileges granted by or in favor of the Township are in effect and being observed.
K. See that all money owed to the Township is promptly paid and that proper proceedings are taken for the security and collection of all claims of the Township through the Solicitor's Office.

L. Supervise and coordinate, in accordance with the provisions of the Second Class Township Code, the letting of contracts, purchase of all supplies and equipment for the various agencies, boards, departments and other offices of the Township as authorized by the Board of Supervisors in their annual operating budget or by way of a purchasing policy resolution. The Manager shall keep an account of all purchases and shall periodically, or when directed by the Board of Supervisors, make a full written report thereof.

M. Investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Township services, and to report to the Board of Supervisors thereon. All complaints regarding Township services shall be referred to the Office of the Manager.

N. Conduct research on other municipal programs, ordinances, fee structures, etc. for use by the Board of Supervisors in making decisions.

O. Monitor, and when necessary and required manage the operation of various state or federal grant projects or programs by explaining program operations to participants, expending funds in accordance with the grant contract, and maintaining records of project status and disposition of funds.

P. Meet with employees and employee representatives to resolve grievances and to negotiate terms of collective bargaining agreements.

Q. Utilize all available resources to ascertain and apply for other sources of funds such as grants, loans, credits, discounts and like.

R. Guarantee proper maintenance of Township payroll and benefit records for all Township employees.

S. Receive all moneys due the Township and deposit them promptly in a designated depository in the name of the Township.

T. Keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of the Board of Supervisors and any citizen of this Commonwealth.

U. Pay out all moneys of the Township only on direction by the Board of Supervisors.

V. Annually state the accounts and make them available to the Board of Auditors for settlement.

W. Preserve the account books, papers, documents and other financial records of the Township.

X. Monitor, analyze and attain adequate insurance coverage to insure that policies are renewed, new equipment covered, risks are minimized and best rates are obtained.

Y. Prepare all reports required by state and federal government, and by insurance carriers, unless expressly designated by Federal, State or local ordinances to any other office not held by the Township Manager.

Z. Maintain records in accordance with a retention schedule of items such as advertising, bids, contracts, road repairs, official actions, incidents, and such other records associated with the general operations of the Township.

AA. Fulfill other duties and responsibilities as may be required by the Board of Supervisors not inconsistent with the Second Class Township Code or other statutes of ordinances of the Township.

SECTION 10. SEVERABILITY. If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held invalid such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. REPEALER. Any ordinances or parts of ordinances that are inconsistent with this ordinance are hereby repealed.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be effective immediately following its adoption.

ENACTED AND ORDAINED INTO AN ORDINANCE THIS 12th DAY OF July 2023.

ATTEST:

FOSTER TOWNSHIP BOARD OF SUPERVISORS:

Chairperson

Vice-Chairperson

Secretary/Treasurer