

**EXETER TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2023-39**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF EXETER TOWNSHIP
REITERATING THE DUTIES OF TOWNSHIP SOLICITOR**

WHEREAS, the Exeter Township Board of Supervisors (“Board”) is charged with the general governance of Exeter Township (“Township”); and

WHEREAS, the Second Class Township Code provides that the Township Solicitor “shall direct and control the legal matters of the” Township, *see* 53 P.S. § 66102; and

WHEREAS, the Second Class Township Code provides that the Township Solicitor is empowered to “do every professional act incident to the office” of Township Solicitor, *see* 53 P.S. § 66103; and

WHEREAS, as one member of the Board has questioned the duties and responsibilities of the office of Township Solicitor, the Board desires to reaffirm the duties of the Township Solicitor in order to address such questions; and

WHEREAS, on March 27, 2023, the Board appointed its current Township Solicitor, and the work performed by Township Solicitor has, in all instances, been directed, authorized or required by the Township Manager or the Board.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania hereby reaffirms, authorizes and requires the Township Solicitor to perform any and all professional acts related to the Township Solicitor’s representation of the Township;

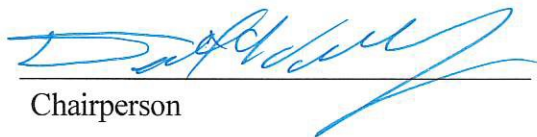
BE IT FURTHER RESOLVED that Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania hereby reaffirms, directs and authorizes that the Township Manager (“Manager”) or his or her designee may direct, authorize and require Township Solicitor to take any and all actions relative to the Township Solicitor’s representation of the Township, *see* Part I, Chapter 61, Section 6(A) of the Exeter Township Code of Ordinances (setting forth that the Manager “shall be the chief administrative officer of the Township and shall be responsible to the Board as a whole for the proper and efficient administration of the affairs of the Township”);

BE IT FURTHER RESOLVED that Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania reaffirms and recognizes that individual Board members may communicate privately with the Township Solicitor regarding legal matters involving the Township and may ask the Township Solicitor to perform certain actions relative to the Township Solicitor’s representation of the Township. *See* Comment 2 to Rule 1.13 of the Rules of Professional Conduct (“When one of the constituents of an organizational client communicates with the organization’s lawyer in that person’s organizational capacity, the communication is protected by” the attorney-client privilege). The Board reaffirms and recognizes that the Township Solicitor is authorized to (1) take such actions (if of a relatively minor nature in the Township Solicitor’s judgment), (2) inquire with the Manager or majority of the Board concerning such

actions, or (3) take any other action that, in the reasonable judgment of the Township Solicitor, is required or needed. In no case shall the Township Solicitor be permitted to, without the consent of the Manager or a majority of the Board, (1) initiate litigation on behalf of the Township; (2) settle litigation on behalf of the Township; or (3) discontinue litigation on behalf of the Township.

IN WITNESS WHEREOF, the Board of Supervisors of Exeter Township has adopted this Resolution in lawful session this 23rd day of October, 2023.

BOARD OF SUPERVISORS OF EXETER
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

By: 
Chairperson

Attest: 
Interim Township Manager

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of Exeter Township, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 23rd day of October, 2023.


Secretary of Exeter Township

Dated: 10/24/23