



MONROEVILLE HOME RULE CHARTER



MONROEVILLE HOME RULE CHARTER

MUNICIPALITY OF MONROEVILLE

ALLEGHENY COUNTY, PENNSYLVANIA

As approved by the Citizens of Monroeville

on May 21, 1974

and

As Amended by the Citizens of Monroeville on:

November 4, 1980

November 2, 1993

May 20, 1997

May 15, 2018

May 17, 1983

November 8, 1994

November 7, 2017

November 6, 2018

2018 Revised Edition

Price ----\$10.00



MONROEVILLE GOVERNMENT STUDY COMMISSION

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A HOME RULE CHARTER FOR MONROEVILLE

Charter and Report Prepared by the
Elected Government Study Commission
and Approved by the Commission on
March 7, 1974 for Submission to the
Voters on May 21, 1974.

Respectfully submitted:

THE MONROEVILLE GOVERNMENT STUDY COMMISSION

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Frank A. Witt, Chairman

Yvonne O'Connor
Yvonne O'Connor, Vice Chairman

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Marjorie Taylor - Secretary

REPORT OF THE MONROEVILLE GOVERNMENT STUDY COMMISSION

Introduction

Home Rule is the power given to a local government to make its own decisions about local matters. Historically, the Pennsylvania Legislature has classified all municipalities in the Commonwealth and has enacted codes that specify procedures, powers, duties, and rules for the classes of municipalities.

In 1968, the Pennsylvania Constitution was amended to give municipalities in Pennsylvania the right to study their local governments and to adopt Home Rule. The Legislature implemented this Constitutional amendment in 1972 by passing Act 62, "The Home Rule Charter and Optional Plans Law."

Under Home Rule, municipal codes, which are confusing due to their number, details and procedures, are avoided and a Charter is drafted that clearly states the governmental structure. The Charter states the form of government the local community wishes and provides basic rules of operation. Existing Pennsylvania uniform laws such as Motor Vehicle Codes, Municipal Planning Codes, Employee Rights Legislation, Library Codes, and others, however, are still governing and the Charter is structured around these laws.

Act 62 provides for the election of a Commission to study a Home Rule Charter if a community so wishes; and in the election of November 1972, Borough Council had the question placed on the ballot.

The voters approved a Study Commission and elected eleven Commissioners at that time. The Commission organized in early December 1972 to begin its task of studying Home Rule for Monroeville.

Charge to the Study Commission

"The Home Rule Charter and Optional Plans Law," states that it shall be the function and duty of the Government Study Commission to study the form of government of the municipality; compare it with other available forms under the law of the Commonwealth; determine whether or not, in its judgment, the government of the municipality can be strengthened, made more clearly responsible and accountable to the people; and determine whether its operation could become more economical or efficient under a changed form of government.

The Present Government of Monroeville

Monroeville, now a community of about 32,000 people, was incorporated as a Borough under The Pennsylvania Borough Code in 1951. The Borough Code is a restrictive code in that anything not expressly permitted is prohibited. Under this system, Monroeville elects seven Councilmen by Wards and a Mayor at large. A Tax Collector and three Auditors are also elected. The Mayor has the responsibility for administering the Police Department and he has veto power and tie-breaking power during the legislative process of Council. Council has all other legislative and administrative authority and all budgetary authority. Council elects a President who presides over meetings and who is the accepted leader of Council. Several years ago, Council established a Council-Manager form of government by ordinance and Monroeville now operates with a Manager as its chief administrator.

The Manager has a number of administrative department heads reporting to him so that business can be conducted in an orderly manner. The Manager is responsible to Council for budget preparation and administration and for the day-to-day operation of the Borough. Council holds regular public meetings to conduct its business and to hear citizen complaints.

Council appoints Citizens' Boards and Commissions so that certain advisory and administrative functions can be implemented expeditiously at minimum cost.

Procedure

Act 62 provides the Study Commission the choice of recommending no change in government, recommending a Home Rule Charter, or recommending an Optional Plan form of Government. Optional Plan forms are specified and structured in Act 62 and are Council-Manager, strong Mayor or Commission forms of government that function within an existing code.

On April 9, 1973, following four months of deliberation and public hearings, the Government Study Commission announced its decision to prepare a Home Rule Charter for Monroeville. The decision was based on the following reasons:

- (1) The Borough Code, which presently governs Monroeville, is an accumulation of state legislation designed to serve all Boroughs regardless of size or particular needs. Much of the Code is overly detailed, difficult, unnecessary, or unclear; and,
- (2) The Optional Plans Law offers only limited alternatives relating to form and structure. Under the Optional Plans Law, Monroeville would remain bound by The Borough Code; and,
- (3) Adoption of a Home Rule Charter can permit the local elected official to be responsive directly to the needs of the residents; and,
- (4) Adoption of a Home Rule Charter can give the residents, with few limitations, full responsibility for governing themselves.

The Home Rule Charter presented here reflects the thoughts of public officials, local government experts, and citizens who participated in the Commission's deliberations. The Commission has held over one hundred meetings with more than 5,000 hours of formal hearings and deliberations, and countless hours of individual study and research.

The Home Rule Charter for Monroeville

In proposing the Home Rule Charter, the Commission had in mind certain objectives. Among these were providing for separation of administration from legislative powers, so as to establish clear lines of authority in order to hold public officials responsible and accountable for both what does, and does not happen. Council must be responsive to both short-term needs and long-term community-wide goals and perspectives. The Commission wanted to ensure that Council's effort is focused on legislative functions, including policy-making and planning by freeing Council from routine administrative functions.

It was determined that more effective community leadership can be created by eliminating the dual leadership provided by both a Mayor and a Council President. The sole leadership role is assigned to an elected Mayor, who also serves as Council President.

The Commission also wished to create and maintain a work environment for public employees that will attract competent personnel and require them to perform as efficiently and effectively as possible the complex administrative duties of a Municipality of 32,000 people.

It also desired to assure the public a knowledge of fiscal decisions and assure that citizen complaints and requests for information and services are heard and channeled to the appropriate points in municipal government for evaluation and action.

The Home Rule Charter retains the present seven member Council elected by Ward. However, the Mayor is elected at large as the head of Council and presides over all deliberations of Council. Council is the legislative body, and the Mayor has no regular vote, but retains veto and tie-breaking power. The Home Rule Charter, in contrast to The Borough Code, is non-restrictive, and any procedures not prohibited by the Charter or Commonwealth and Federal law are permitted.

The Manager is retained and is mandated as the chief administrator. Provisions are made to ensure that efficient administrative, fiscal and budgetary procedures are followed. The Charter mandates fair and efficient personnel policies and ensures continuance of existing employee benefits.

Procedures are mandated for handling citizens' complaints, and citizens are guaranteed their right to be heard. An annual report on the state of the municipality is mandated. Elected Auditors are eliminated in favor of professional appointed Auditors. The Police and the Attorney are made departmental functions. Municipal planning and fiscal planning are mandated. The Municipality is given a role in human services. A formal personnel system with an appeals board is provided for all employees.

The Home Rule Charter retains the tried and proven parts of governmental structure that have worked well in Monroeville, and gives them a permanence in the Charter. The Home Rule Charter specifies an effective and cost-reducing structure while providing maximum exposure and service to the electorate.

The Charter makes provision for a smooth transition from the Borough government to the Charter government in January, 1976. Officials then in office and newly elected officials will assume positions in the new Charter government. Auditors will serve out their remaining terms but will have no official functions. All other positions easily adjust to the new Charter structure.

At the Primary Election to be held on May 21, 1974, the following question will appear on the ballot:

"Shall the Home Rule Charter contained in the report, dated March 7, 1974, or the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Borough of Monroeville?"

FINANCIAL REPORT
GOVERNMENT STUDY COMMISSION
BOROUGH OF MONROEVILLE

Before me, the undersigned authority, personally appeared the persons whose names are affixed hereto, who being duly sworn according to law, depose and say that the facts contained in this Financial Report are true and correct.

December 1, 1972 through March 15, 1974.

Disbursements

| | |
|--------------------------|---------------|
| Secretary | \$ 5,314.45 |
| Research Assistant | 439.48 |
| Attorney | 4,266.00 |
| Consultants | 100.00 |
| Temporary Help | 205.05 |
| Printing | 1,971.54 |
| Workshops | 209.15 |
| Cassette Tapes | 389.13 |
| Office Equipment | 495.00 |
| Office Supplies | 446.97 |
| Xerox | 671.00 |
| Postage | 66.75 |
| Miscellaneous | <u>145.19</u> |

TOTAL \$ 14,719.71

A gift of 2,000 envelopes and 2,000 letterheads was provided to the Government Study Commission by the ABC Press, Owen T. Cook, Manager. The estimated value of this gift is \$60.00.

All of the services, equipment and supplies listed herein were supplied by the Borough of Monroeville and paid for by warrants duly issued by the Borough.

Sworn to and subscribed before me this 7TH day of March, 1974.

John H. Salton
John H. Salton, District Justice of the Peace

Frank A. Witt
Frank A. Witt, Chairman

Yvonne O'Connor
Yvonne O'Connor, Vice Chairman

Edward P. Diel
Edward P. Diel, Secretary

Matthias E. McDonough
Matthias E. McDonough, Treasurer

Bernard J. Ambrose
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James J. Miro
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James R. Olson
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Thomas R. Schuerger
Thomas R. Schuerger, Member

Mary Lou Span
Mary Lou Span, Member

Table of Contents

| | |
|---|----|
| ARTICLE I Name and Boundaries..... | 1 |
| ARTICLE II Powers of the Municipality | 2 |
| ARTICLE III Municipal Council..... | 3 |
| ARTICLE IV Operation and Procedures of Municipal Council..... | 6 |
| ARTICLE V Ordinances and Resolutions | 8 |
| ARTICLE VI The Mayor..... | 10 |
| ARTICLE VII Municipal Manager..... | 13 |
| ARTICLE VIII Municipal Attorney | 16 |
| ARTICLE IX Departments | 17 |
| ARTICLE X Police Force..... | 18 |
| ARTICLE XI Budget and Fiscal Matters | 20 |
| ARTICLE XII Tax Collector | 25 |
| ARTICLE XIII Treasurer | 27 |
| ARTICLE XIV Contracts | 28 |
| ARTICLE XV Personnel | 30 |
| ARTICLE XVI The Personnel Board..... | 33 |
| ARTICLE XVII Investigative, Hearing, Subpoena Powers of Council, Mayor, Auditor, Personnel Bd | 36 |
| ARTICLE XVIII Boards, Commissions and Authorities | 37 |
| ARTICLE XIX Succession..... | 41 |
| ARTICLE XX Initiative by Referendum..... | 42 |
| ARTICLE XXI General | 44 |
| ARTICLE XXII Transition..... | 49 |
| ARTICLE XXIII Schedule | 51 |
| ARTICLE XXIV Recall | 52 |
| APPENDIX Chapter References to General Law..... | 56 |

**CHARTER
OF THE
MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA**

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and

As Amended by the Citizens of Monroeville on

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MONROEVILLE HOME RULE CHARTER

ARTICLE I

NAME AND BOUNDARIES

Section 101. Name

The Borough of Monroeville shall hereafter be a HOME RULE CHARTER MUNICIPALITY under the name of "Monroeville." As used in this Charter, the word, "Municipality" shall mean the Municipality of Monroeville in Allegheny County, Pennsylvania.

Section 102. Boundaries

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

ARTICLE II

POWERS OF THE MUNICIPALITY

Section 201. Powers

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

Section 202. Construction

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, 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 Municipality, except as limited in Section 201 above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the Municipality, or may hereafter from time-to-time become available.

Section 203. Residual Powers in Municipal Council

All powers of the Municipality, including any such powers which may hereafter be conferred on the Municipality by amendment of the Constitution of the United States of America, or the Constitution of Pennsylvania, or of this Charter, or by Act of the Pennsylvania General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in Municipal Council. Council shall be elected, shall organize, and shall function as provided in this Charter.

Section 204. Eminent Domain

The Municipality is hereby authorized and empowered to enter upon, appropriate, take, use, occupy, injure or destroy, private lands, property or material, wherever situated, for any legal and valid municipal purpose. All such action shall be provided for by ordinance and just compensation shall be made and secured as provided by general law. The Municipality shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

ARTICLE III

MUNICIPAL COUNCIL

Section 301. Composition

The Municipality shall be divided into seven (7) Wards, the boundaries of which shall be coterminous with the boundaries existing in the Borough of Monroeville at the time this charter is adopted, and as lawfully changed thereafter. There shall be a Municipal Council of seven (7) members, who shall be elected by the registered electors of each respective Ward to represent them.

Section 302. Terms

The terms of all Members of Council shall be for four (4) years, commencing at 8:00 P.M. on the first Monday of January following the year in which they were elected. They shall continue in office until their successors assume the office.

No Member of Council shall be eligible to serve more than two (2) consecutive terms. In the event that a Member of Council has been appointed to fill an unexpired term of more than a two year duration, that appointed term shall be considered a full term (*Janice Olszewski et al v. David Kucherer, GD081632; Richard S. Buxter v. Municipality of Monroeville, GD0424276*). No individual who has served two (2) consecutive terms shall be eligible for a new term of office until the individual has been absent from office for a full four (4) year term. This amendment shall be in full effect for all intents and purposes on and after the first Monday in January, 1982. For the purpose of this Article, Members of Council taking office on this date, having been duly elected in the prior year's election, would begin their first term on the first Monday in January, 1982. Other Council Members, incumbent or elected in future elections, would begin their first term on the first Monday of the year following their election.

Section 303. Election of Members of Council

At the municipal election to be held in the year 1975, there shall be elected three (3) Members of Council to serve for a term of four (4) years; the aforesaid three (3) Members of Council to be elected from those Wards represented by Members of Council of the Borough of Monroeville whose terms expire on the first Monday of January, 1976. The three (3) Members of Council aforesaid, and the Members of Council of the Municipality of Monroeville whose terms expire on the first Monday in January, 1978, shall constitute Council of the Municipality until the first Monday of January, 1978.

At the municipal election to be held in the year 1977, there shall be elected four (4) Members of Council to serve for a period of four (4) years; the aforesaid four (4) Members of Council to be elected from those Wards represented by Members of Council whose terms expire on the first Monday of January, 1978.

Thereafter, Members of Council shall continue to be elected at each municipal election for terms of four (4) years and from the Wards represented by members whose terms expire in the January next succeeding.

Section 304. Election Procedure.

The procedure for nomination and election of Members of Council shall be established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

Section 305. Salary

Each Member of Council may receive the same compensation as received by Council Members of the PA Borough Code, or such other sum as set by Council by ordinance from time-to-time. Such compensation shall not be increased or decreased during the term for which any Member of Council was elected or appointed. No such increase or decrease shall be accomplished by ordinance adopted less than six (6) months prior to election of any Member of Council affected thereby.

Members of Council 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. When, however, Council shall in a public meeting direct certain activities to be performed, Members of Council shall be entitled to actual and necessary documented expenses incurred in the performance of these functions and activities, except that shall not be construed to allow Council to exceed any budget appropriation.

Section 306. Authority

All of Council's authority shall be asserted by the Members of Council only. No individual Member of Council shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by Council acting as a body.

Section 307. Organization of Council and Mayor

Council and the Mayor shall organize on the first Monday of January of each even numbered year. If the first Monday is on a legal holiday, the meeting shall be held the first day following. However, nothing in this Charter shall be construed to prohibit Council from reorganizing if it so chooses.

The Council shall organize by the election of one of their members as Deputy Mayor, who shall hold office until a successor is elected and qualified.

The Mayor, or if absent, the Deputy Mayor, shall preside at all meetings of Council and perform such other duties as are specified in this Charter or as may be prescribed by ordinance. Further succession in the case of the absence of the Mayor and Deputy Mayor shall be determined by Council by ordinance.

If a majority of Council shall not attend at the organization meeting, those present may adjourn the meeting from day-to-day until a majority attend. The organization meeting may be considered as a regular monthly meeting for the transaction of such business as comes before Council.

Section 308. Powers and Duties of the Deputy Mayor

The Deputy Mayor shall exercise the powers and duties of the Mayor during the Mayor's temporary absence or disability; except that the Deputy Mayor shall vote as a Member of Council, but shall not cast the Mayor's deciding vote in cases of tie-votes of Council.

The Deputy Mayor shall appoint all Councilmanic committees.

ARTICLE IV

OPERATION AND PROCEDURES OF MUNICIPAL COUNCIL

Section 401. Meetings

It shall be the duty of Council to hold a public meeting once a month for the conduct of their business. Council may adjourn to a stated time for general business or for special business. Special meetings may be called by the Mayor, and shall be called by the Mayor upon written request of at least three of the Members of Council. Members of Council shall have at least twenty-four (24) hours' notice of such special meetings. The notice shall state whether it is for general or special purposes, and if it is for special purposes, the notice shall contain a statement of the nature of the business to be considered. Presence at a meeting constitutes waiver of notice. Notice and agenda of all meetings shall be posted at the Municipal Building twenty-four (24) hours prior to a meeting.

Section 402. Records

Council shall make and preserve minutes of all business and committee meetings of Council. All records, documents, and papers of the Municipality shall be available to the public in accordance with the provisions of general law.

Section 403. Public Meetings

All business meetings and committee meetings of Council shall be open for public attendance. All official votes of Council shall be taken in open session.

Section 404. Operating Rules

Council shall, by ordinance, adopt rules of procedure for its meetings. Such rules shall be designed so as to assure full and equal participation in the deliberations of Council by all of its members.

Section 405. Quorum

Four (4) Members of Council shall constitute a quorum. Except as provided in Section 2104, no business shall be conducted or votes taken except in the presence of a quorum.

Section 406. Votes Required for Action

No action of Council shall be effective or binding without at least three (3) affirmative votes. No ordinance shall be adopted without at least four (4) affirmative votes.

Actions of Council, other than ordinances, shall be effective and binding by the affirmative vote of a majority of the votes cast, provided at least three (3) affirmative votes are cast.

In cases where the Mayor is entitled to vote, the vote of the Mayor shall be counted in calculating votes required in this Section.

Section 407. Form of Action by Council

Official actions of Council shall be taken by adoption of an ordinance, or a resolution, or a 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 Council shall be by resolution or motion, unless otherwise required in this Charter, or in the ordinance establishing the rules of Councilmanic 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 Council shall be entered in the minutes of the meeting.

Section 408. Citizens' Right to be Heard

Council shall schedule a regular monthly meeting solely to provide an opportunity for interested citizens to address Council on matters of general or special concern. Minutes shall be kept of these meetings.

The opportunity to address Council shall also be afforded the public at all business meetings at a time designated in the agenda by the Mayor and applicable Commonwealth law.

Council may adopt reasonable rules and regulations governing the conduct of Council Members and the public during participation in the meeting.

ARTICLE V

ORDINANCES AND RESOLUTIONS

Section 501. Certain Specific Action Requiring An Ordinance

Municipal Council shall adopt legislative action by ordinance as required by law or by this Charter. Those actions of Municipal Council which shall be adopted by ordinance are:

- (a) Adopt or amend an administrative code or establish, alter or abolish any municipal department, office or agency;
- (b) Adopt or amend a code establishing a personnel system for the Municipality;
- (c) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (d) Levy taxes;
- (e) Grant, renew or extend a franchise;
- (f) Establish, alter or abolish rates charged for any utility or other service supplied by the Municipality;
- (g) Authorize the borrowing of money;
- (h) Convey or lease, or authorize the conveyance or lease, of any lands of the Municipality; and
- (i) Establish wages, hours or fringe benefits of any employees and/or appointed officials of the Municipality.

Section 502. General Ordinance Requirements

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the Mayor or other Member of Council present at the meeting where the action was taken. The official seal of the Municipality shall be affixed to the original copy of each ordinance by the Manager or a designate who shall also attest to the signature of the other signatory. Failure to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.

Section 503. Penalty

The penalties for the violation of any ordinance shall be set forth in that ordinance in accordance with the laws of the Commonwealth of Pennsylvania and the Constitution of the United States and any other provisions of this Charter.

Section 504. Publication and Effective Date of Ordinances

All ordinances shall be published one time in a newspaper circulating generally within the Municipality pursuant to applicable Commonwealth law. 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.

Except as otherwise provided in this Charter or by an applicable law of the General Assembly, ordinances shall be effective on the tenth day after publication, or at any later date specified therein, and each ordinance shall be prominently posted in the Municipal Building until the next Council meeting.

Section 505. Recording of Ordinances and Resolutions

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

Section 506. Ordinances Requiring Prior Public Notice

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least ten (10) days prior public notice thereof published in a newspaper circulating generally in the Municipality:

- (a) Zoning ordinance and amendments thereto;
- (b) Adoption of the zoning map and amendments thereto;
- (c) Subdivision regulations;
- (d) Land development and land use regulations;
- (e) New taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the re-enactment of taxes levied annually at the same rate;
- (f) Salaries of elected officials;
- (g) Changes in ward boundaries;
- (h) Amendments to the budget;
- (i) Appointment and removal of municipal manager; and
- (j) Or as otherwise provided in this Charter

ARTICLE VI

THE MAYOR

Section 601. The Mayor

The Mayor shall be recognized as the leader of the municipal government and shall be the presiding officer of the Council. The Mayor shall have a voice in all matters before the Council and shall have such authority and perform such duties as are assigned under this Charter.

Section 602. Election and Term

The Mayor shall be elected at large by the voters of the Municipality for a term of four (4) years, at the municipal election to be held in the year 1977 and every four years thereafter. The Mayor shall continue to serve until a successor assumes the office.

The Mayor shall be ineligible to serve more than two (2) consecutive terms. In the event that a Mayor has been appointed to fill an unexpired term of more than a two year duration, that appointed term shall be considered a full term. (*Janice Olszewski et al v. David Kucherer, GD081632; Richard S. Buxter v. Municipality of Monroeville, GD0424276*). No individual, who has served two (2) consecutive terms as Mayor, shall be eligible for a new term as mayor until the individual has been absent from the office of Mayor for a full four (4) year term. This amendment shall be in full effect for all intents and purposes on and after the first Monday in January, 1982. For the purpose of this Article, the Mayor taking office on this date, having been duly elected in the prior year's election, would begin his or her first term on the first Monday of January 1982.

Section 603. Salary

The Mayor shall receive the same compensation as received by the Mayor of the PA Borough Code, or such other sum as set by Council by ordinance from time-to-time. Such compensation shall not be increased or decreased during the term for which the Mayor was elected or appointed. No such increase or decrease shall be accomplished by ordinance adopted less than six (6) months prior to election of the Mayor affected thereby.

The Mayor shall receive no other compensation, direct or indirect, for the performance of duties and shall receive no pensions, insurance or other forms of fringe benefits. The Mayor shall, however, be entitled to actual necessary documented expenses incurred in the performance of the duties of the office and presented to Council in public session.

The budget shall include a reasonable appropriation for the Mayor's expenses, which appropriation shall not be exceeded by the Mayor. However, such appropriation may be amended from time-to-time in accordance with the provisions of this Charter.

Section 604. Veto

Every ordinance, except as herein otherwise provided, passed by Council, shall be presented to the Mayor for approval. If approved, the Mayor shall sign it; but if not approved, it shall be returned with the Mayor's objections to Council at its next business meeting occurring at least ten (10) days after the meeting at which such ordinance was passed by Council, when the objections shall be entered upon the minutes and Council shall proceed to a reconsideration thereof either at the meeting at which the vetoed ordinance was returned, or at any business meeting held not later than ten (10) days thereafter. If, after such reconsideration, five (5) members of said Council shall vote to pass such ordinance, it shall become of as full-force and effect as if it had received the approval of the Mayor. If any such ordinance shall not be returned by the Mayor at the business meeting of Council occurring at least ten (10) days next succeeding its presentation to the Mayor, it shall likewise have as full-force if it had been approved.

The enactment of an ordinance shall be the date when the Mayor shall approve it or the date of passage by Council over the veto of the Mayor, or in the case of any ordinance not returned by the Mayor at the business meeting of Council occurring at least ten (10) days after the meeting at which such ordinance was passed by Council. The date of enactment shall be the date of such succeeding business meeting of Council.

Section 605. Tie Breaking

The Mayor shall not vote on matters presented to Council except where, by reason of a tie vote, Council shall be unable to adopt any ordinance, resolution or motion, or declare or fill any vacancy in its membership or other municipal office, or to take any action on any matter lawfully before it.

In such cases, the Mayor may cast the deciding vote, or request that the matter be tabled until the matter shall be reconsidered by Council at the next business meeting of Council and, if a tie vote still exists, it shall be the duty of the Mayor at that time to cast the deciding vote.

If such a tie vote shall occur at any meeting when the Mayor is not in attendance, the matter shall be tabled to the next business meeting of Council, at which meeting, if a tie vote still exists, it shall be the duty of the Mayor to cast the tie-breaking vote.

Section 606. Powers and Duties

In addition to powers and duties otherwise provided for herein, the Mayor shall exercise the powers and perform the duties as follows:

- (a) Be recognized as the official head of the Municipality for all ceremonial purposes;
- (b) Preserve the public peace, safety, health, and welfare in times of emergency and for purposes of martial law;
- (c) Execute or authenticate such instruments as required by this Charter, Council, or other law;

- (d) Be a voting member of all Council committees;
- (e) Study the operations of the municipal government and report to Council on the state of the Municipality with recommendations for measures deemed to improve municipal affairs;
- (f) Have the authority from time-to-time to appoint and dissolve voluntary committees of interested citizens to assist and advise the Mayor on issues and matters pertaining to the Mayor's office;
- (g) Prepare and deliver an annual "State of the Municipality" report to the citizens of Monroeville; and
- (h) Exercise such additional powers and perform such additional duties as shall be mutually agreed upon by the Mayor and the Council, and which are not inconsistent with the provisions of this Charter.

ARTICLE VII

MUNICIPAL MANAGER

Section 701. Appointment, Qualifications and Compensation

The Council shall, by Ordinance pursuant to Section 506, appoint a Municipal Manager pursuant to Sections 1142 and 1143 of the Pennsylvania Borough Code, as amended. The Manager shall be appointed solely on the basis of executive and administrative Manager's qualifications and shall have had at least five (5) years experience as a Manager or Assistant Manager, or a combination thereof, of a similar size and composed Municipality. The Manager shall have a Bachelor's Degree, a Master's Degree is preferred, in Public or Business Administration or related field from an accredited college or university. These prerequisites shall not be waived. The Manager need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within (1) year of appointment.

Section 702. Powers and Duties of the Municipal Manager

The Municipal Manager shall be the chief administrative officer of the Municipality and shall be responsible to Council for the administration of all municipal affairs placed in the Manager's charge. The Manager's powers and duties shall include, but are not limited to, the following:

- (a) Appoint, suspend or remove all municipal employees, except as otherwise provided by law or this Charter and report any such action at the next business meeting of Council;
- (b) Appoint all department heads with the consent of Council;
- (c) Collect and receive, account for, and deposit into the municipal treasury, all taxes not collected by the Tax Collector; fees, assessments or charges that are levied or established by the Municipality for general or special purposes, except as otherwise provided by this Charter, ordinance, or general law. Such deposits shall not be made not later than the first business day following the day in which they are received;
- (d) Cause appropriate records to be made, preserved and certified, as required by law or other action of Council. The Manager shall attest to the execution of all instruments and record all ordinances and shall have custody of the Municipal corporate seal;
- (e) Direct and supervise all departments, offices and agencies, except as otherwise provided by this Charter or by law;
- (f) Attend all Council meetings and shall have the right to take part in discussions, but shall not vote;
- (g) Prepare and submit an annual budget and capital expenditure program to Council;
- (h) Submit to Council and Mayor and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year;

- (i) Make such other reports as Council or Mayor may require concerning the operations of municipal departments, offices and agencies subject to the Manager's direction and supervision;
- (j) Have the duty to sign such papers, contracts, obligations and documents that are properly presented as may be required by law;
- (k) Keep Council and the Mayor fully advised of the financial condition and future needs of the Municipality and make such recommendations to Council and the Mayor concerning the affairs of the Municipality as he/she deems prudent;
- (l) Administer and enforce all laws and ordinances of the Municipality and be responsible for the proper administration of all affairs of the Municipality;
- (m) Ensure that no payment is made or obligations incurred against any appropriation except in accordance with the designated budget appropriations;
- (n) Ensure that there is a sufficient unencumbered balance in the appropriate budget appropriation to meet any obligation when it becomes due or payable;
- (o) Ensure that when any municipal obligation, debt or expense becomes due and payable that sufficient funds will be available in the treasury to pay same;
- (p) Ensure that all payments and obligations incurred by the Municipality are in accordance with law, municipal contract and the provisions of this Charter; and
- (q) Require each department, office, board, commission or other municipal agency to certify from time-to-time that materials, supplies or equipment have been duly received and accepted as specified and that services contracted for have been duly rendered. The Manager shall report on this subject twice yearly, or more frequently as Council shall direct.

Section 703. Procedural Limitations on Council

Neither the Mayor nor Council nor any of its committees or members thereof shall direct or request the appointment to or removal from office or employment by the Manager of any subordinate. Except for the purpose of inquiry, Council and its members and the Mayor shall deal with the administrative service solely through the Manager, and neither the Mayor nor Council nor any of its committees or members thereof shall give orders to any subordinate of the Manager either publicly or privately.

Section 704. Removal

Council may, by Ordinance pursuant to Section 506, by majority vote, remove the Manager at any time, with or without cause. Any such removal shall not take effect until after the expiration of thirty (30) days from the date of the removal action. During such thirty (30) day period, Council may suspend the Manager from the position. The Manager may, within fifteen (15)

days of the date of removal, request a public hearing before Council. Such hearing shall be held before the expiration of the thirty (30) day period.

The Manager shall continue to receive the existing salary during the thirty (30) day period, except as otherwise provided by law. The action of Council in removing the Manager shall not be subject to review by any court or agency.

Section 705. Acting Municipal Manager

The Manager may designate, in writing, an employee of the Municipality to exercise the duties of Manager during the Manager's temporary absence or disability. During such absence or disability, Council may revoke such designation at any time and appoint another employee of the Municipality to serve until the Manager shall return or the Manager's disability shall cease. The appointed Acting Manager shall possess at least three (3) years of Governmental Business Administrative and Supervisory experience and a minimum of a Bachelor's Degree from an accredited college/university. These prerequisites shall not be waived.

Section 706. Vacancy

Upon a vacancy in the office of Manager, Council shall appoint an Acting Manager to exercise the powers and perform the duties of the office.

ARTICLE VIII

MUNICIPAL ATTORNEY

Section 801. Appointment, Promotion, Dismissal

The Municipal Attorney shall:

- (a) Be appointed, promoted or dismissed by the Manager with the advice and consent of Council;
- (b) Be an employee of the Municipality or retained on an independent contractor basis at the discretion of the Municipality;
- (c) Be appointed solely on the basis of qualifications;
- (d) Be admitted to practice before all Appellate Commonwealth Courts and the Federal District Court; and
- (e) Have at least five (5) years' experience in active legal practice in the Commonwealth of Pennsylvania.

Section 802. Powers and Duties

The Municipal Attorney shall:

- (a) Be an Official of the Municipality;
- (b) Serve as Chief Legal Officer of the Municipality;
- (c) Represent the Municipality in all legal matters;
- (d) Furnish legal advice to Council, the Mayor and the Manager on matters of municipal business; and
- (e) Represent all Boards and Commissions except those requiring special legal counsel.

Section 803. Access to Records

The Municipal Attorney shall have the right of access to the records of any officer, department, board or commission of the Municipality as necessary in the performance of the duties of the Municipal Attorney.

Section 804. Special Counsel

The Municipality shall provide when necessary, legal counsel for those Boards and Commissions not permitted by law to use the Municipal Attorney. Such special counsel shall be appointed by the Manager with the advice and consent of Council.

ARTICLE IX

DEPARTMENTS

Section 901. General

The work of the Municipality performed by paid employees shall be assigned to and under the jurisdiction of a Department Head. All functions and services provided by the Municipality shall be administered by the Municipal Manager. Whenever necessary, Council shall establish specific Departments by ordinance to perform these functions, which shall include among others:

- (a) Planning, land development, sub-division and zoning within the Municipality, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, 1968, and for suitable codes for building, housing, and fire prevention, with enforcement by qualified personnel;
- (b) The laying out, construction, reconstruction and maintenance of municipal streets, storm sewers, sanitary sewers, buildings, parks, sidewalks, and such other municipal facilities as are deemed necessary for the public welfare;
- (c) The collection and disposal of solid waste where required by ordinance;
- (d) Recreational, library and other cultural services to the residents of the Municipality;
- (e) The planning, development and monitoring of employee human resources duties pursuant to, but not limited to, an employee handbook, collective bargaining agreements, along with commonwealth and federal laws;
- (f) Police and Fire Protection, and other emergency services. The Municipality may utilize the services of Volunteer Fire Departments;
- (g) Traffic planning and control; and
- (h) Information technology infrastructure and support, including telecommunications.

Section 902. Delegation of Functions

Any function or service provided by the Municipality may by ordinance be delegated to another governmental or non-governmental unit or may be performed in cooperation with other municipalities, political subdivisions or any governmental unit under duly executed agreements.

ARTICLE X

POLICE FORCE

Section 1001. Appointment, Promotion and Reduction of Force

- (a) Every position of employment in the Police force shall be filled by the Manager from a list of eligibles in accordance with applicable law;
- (b) The list of eligibles shall be compiled after open and competitive examinations prepared and administered in accordance with applicable law;
- (c) The number of paid employees in the Police force shall be reduced for reasons of economy or other reasons in accordance with applicable law; and
- (d) Probationary periods, provisional appointments and promotions shall be made and acted upon by the Manager pursuant to applicable law.

Section 1002. Chief of Police, Deputy Chief of Police, Appointment, Qualifications and Tenure

- (a) The Chief of Police and the Deputy Chief of Police shall be appointed by the Manager with the advice and consent of Council;
- (b) The persons appointed shall have a Bachelor's Degree either in criminal justice, public administration or related field, and five (5) years experience in law enforcement at a supervisory/administrative level; the ability to receive certification as a police officer in the Commonwealth of Pennsylvania (Act 120 or successor legislation); and a background of employment in the field of law enforcement and public safety;
- (c) Neither the Chief of Police nor the Deputy Chief of Police shall be a member of the Career Service, but upon resignation or dismissal without cause, shall resume municipal employment with the highest rank, if any, held at the time of appointment; and
- (d) The Chief of Police and the Deputy Chief of Police shall be entitled to civil service protection.

Section 1003. Authority

Police employed by the Municipality shall be ex-officio constables of the Commonwealth and shall have all the powers and prerogatives conferred on Police officers by Acts of Assembly, including those applicable to cities, boroughs and townships of the Commonwealth.

Police, when acting as constables, shall have the authority to serve and execute all criminal process for the violation of municipal ordinances which may be issued, and the fees and costs collected in such capacity shall be paid into the Municipal Treasury.

Section 1004. Special Police

The Mayor may appoint special police with full police powers and jurisdiction for the duration of an emergency in which the safety and welfare of the Municipality and the public is endangered. This power is restricted to situations involving a sudden or unexpected event, which creates a dangerous condition necessitating immediate action. The persons so appointed shall have full police powers and jurisdiction only for the duration of such emergency. The power may not be used to replace police officers lost due to a reduction of force.

Section 1005. Auxiliary Police

Auxiliary police may be appointed by the Mayor as provided by general law. The Chief of Police may nominate persons to serve as auxiliary police officers. Such nominees must successfully complete a training course prescribed by the Chief of Police, and be confirmed by the Mayor and take an oath. Auxiliary police must be called to duty by the Mayor and may only serve during periods of emergency. This power may not be used to replace police officers lost due to a reduction in force.

Section 1006. Suspension, Removal, Reduction in Rank or Demotion

Police officers in the Career Service shall be suspended, removed, reduced in rank or demoted only in accordance with the provisions of Articles XV and XVI of this Charter.

ARTICLE XI

BUDGET AND FISCAL MATTERS

Section 1101. Fiscal Year

The fiscal year of the Municipality shall begin on the first day of January and end on the last day of December of each year, unless changed by law.

Section 1102. Submission of Budget and Budget Message

At least forty-five (45) days prior to the beginning of each fiscal year, the Manager shall submit to Council a proposed budget for the ensuing fiscal year and an accompanying message.

Section 1103. Budget Message

The Manager's message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the Municipality for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the Municipality's debt position, and include such other material as the Manager deems prudent.

Section 1104. Budget

- (a) The budget shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Manager deems prudent or Council 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, among other things, the following:
 - (b) A general summary of its contents;
 - (c) In detail, all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges;
 - (d) All proposed expenditures, including debt service, for the ensuing fiscal year;
 - (e) The number of proposed employees in every job classification;
 - (f) Comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year;
 - (g) 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; and

- (h) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The total of proposed expenditures shall not exceed the total of estimated income.

Section 1105. Public Record

The annual budget message, proposed budget and adopted budget shall be a public record and shall be available for public inspection after submission and prior to adoption, and after adoption, during regular business hours.

Section 1106. Publication

- (a) Council shall publish within a period of eight (8) days of receipt from the Municipal Manager, in one or more newspapers of general circulation in the Municipality, a general summary of the budget and a notice that the proposed budget is available for public review, also stating:
 - (1) The times and places where copies of the budget and the message are available to the public; and
 - (2) The times and places of the required public hearings on the budget and such other public hearings as Council may decide to hold.
- (b) Public Hearings: Council shall hold a minimum of two (2) public hearings on the budget at which time residents of the Municipality may express their views on the proposed budget. The first such hearing shall be not less than fourteen (14) days nor more than twenty-one (21) days after the date of publication. The second public hearing shall be not less than seven (7) days nor more than fourteen (14) days after the first hearing.

Section 1107. Amendment of Budget

Council may amend the budget by ordinance during the fiscal year for which the budget was adopted; provided, however, that such amendment shall not result in expenditures exceeding the estimated income determined as of the time of the amendment.

Section 1108. Adoption of Budget

Council shall adopt the budget as presented or amended, by ordinance on or before the thirty-first (31st) day of the twelfth (12th) month of the fiscal year currently ending. If Council fails to adopt the budget by this date, the amounts appropriated for current operation of the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it pro-rated accordingly, until such time as Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 1109. Payment of Funds

No payment of any funds of the Municipality shall be made unless provided for in the budget and specifically approved by Council; provided, however, that payroll and utility expenditures may be made at the direction of the Manager where based upon a prior ordinance or contract. All checks or drafts of the Municipality shall be signed by the Manager and shall be countersigned by the Mayor. Disbursements of payroll checks or drafts containing imprinted signatures of the proper municipal officials or bank officials shall be permitted in connection with use of electronic equipment when contracted for with banking institutions; and electronic imprinted signatures of the proper municipal officials may be used for disbursement of municipal checks or drafts provided such imprinting equipment is designed for operation only by authorized personnel.

Section 1110. Capital Program

It is the intent of this Charter that Council adopt long range plans and objectives to provide for the orderly management of the Municipality. Plans and objectives shall be prepared for public review in the form of the Annual Capital Improvement Program:

(a) Submission to Council: The Manager shall prepare and submit to Council, a five-year (5) capital program at least three (3) months prior to the final date for submission of the budget;

(b) Contents: The capital improvement program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the next five (5) fiscal years with appropriate supporting information as to the necessity for such improvements;
- (3) Projects which will result in major addition or changes to the Municipality, such as Recreation and Sanitation facilities or Roadways shall be included in the program;
- (4) Cost estimates, methods of financing and recommended time schedules for each such improvement;
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- (6) The estimated annual amortization costs;

(c) Publication and Council Action on the Capital Improvement Program:

- (1) Publication. Council shall publish the proposed Capital Improvement Program immediately upon its receipt from the Manager;
- (2) Public Hearings. Council shall hold a minimum of one (1) public hearing on the proposed capital improvement program at which time residents of the Municipality

may express their views on the proposed capital improvement program. The public hearing shall be not less than twenty-one (21) days nor more than thirty (30) days after the date of publication;

(3) Method of Publication and Notice of Hearings. Council shall publish in one or more newspapers of general circulation in the Municipality, a general summary of the Capital Improvement Program, and a notice stating:

- i. The times and places where copies of a summary of the Capital Improvement Program are available to the public;
- ii. The times and places where a complete copy of the Capital Improvement Program along with accompanying maps, charts, reports, and other data are available for inspection by the public; and
- iii. The time and place of the required public hearing on the Capital Improvement Program and such other public hearings as Council may decide to hold.

(4) Adoption. Council shall adopt the Capital Improvement Program by ordinance, with or without amendment, after the public hearing and on or before the last day of the ninth month of the current fiscal year; and

(5) The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition. Council shall annually issue a public report on the status of the Capital Improvement Program which shall be given prior to the adoption of the annual budget.

Section 1111. Independent Audit

Appointment and Term. The Mayor with the advice and consent of Council shall appoint an independent auditor who shall be a certified public accountant or firm of certified public accountants, who shall have no personal interest, direct or indirect, in the fiscal affairs of the Municipality, or any of its officers.

The auditor shall be appointed for a term not to exceed three (3) years provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of the fiscal year.

Section 1112. Powers and Duties of the Auditors

- (a) The auditors shall audit, settle, and adjust the accounts of all Municipal officers and other officers and persons receiving and disbursing or authorizing the disbursement of the monies of the Municipality during the preceding fiscal year;
- (b) The auditors shall complete the audit settlement and adjustment and file copies thereof with the Municipal Manager and the Department of Community and Economic Development not later than (90) days after the end of the fiscal year. Said report shall also show a complete

statement of the financial conditions of the Municipality, with the character and value thereof and the date of maturity of the respective forms of funded debt thereof; and

- (c) Whenever an appeal has been taken as aforesaid, any taxpayer of the Municipality may intervene in such appeal to prosecute the same on behalf of the Municipality or defend it against the appeal of the person charged with any sum.

Section 1113. Fidelity Bonds

Before entering upon the duties of their respective offices or positions, the Municipal Manager and the Tax Collector, as well as any other officer, agent or employee of the Municipality as Council may determine, shall execute and file with the Municipality corporate surety bonds in such sums as shall be fixed by Council. Each bond shall be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in the Commonwealth of Pennsylvania and duly licensed by the Insurance Commissioner of said Commonwealth.

Each bond shall be conditioned upon the faithful discharge by the officer, the clerks, assistants and appointees of all trusts confided in them by virtue of their office, upon the faithful execution of all duties required of them by virtue of their office, upon the just and faithful accounting or payment over, according to law, of all monies and all balances thereof paid to, received or held by virtue of the office and upon the delivery to the successor or successors in office of all books, papers, documents or to other official things held in right of the office. All such bonds and sureties thereon, before being accepted by the Municipality, shall be approved by the Municipal Attorney. The placing of such bonds shall be determined by Council and the premium thereof shall be paid by the Municipality. Such bonds may provide for one or more additional obliges in the event that the officer bonded is acting in a dual or similar capacity with other political subdivisions or governmental or quasi-governmental entities.

ARTICLE XII

TAX COLLECTOR

Section 1201. Election and Term

At the municipal election in the year 1977 and at the municipal election every four (4) years thereafter, the registered electors of the Municipality shall elect an eligible person as Tax Collector.

Section 1202. Powers and Duties of the Tax Collector

The tax collector shall be the collector of all County, Municipal, School, Institution District and other taxes levied within the Municipality by the authorities empowered to levy taxes, but shall not collect any tax levied and imposed under Act 511 of December 31, 1965, P.L. 1257, unless the ordinance imposing such tax shall provide that the Tax Collector be the collector of said tax. The Tax Collector shall, in addition to the powers, authority, duties, and responsibilities provided for by this Charter, have all the powers, perform all the duties and be subject to all the obligations and responsibilities for the collection of such taxes, as are now vested in, conferred upon, or, imposed upon Tax collectors by law.

Section 1203. Elimination of Office of Elected Tax Collector

Council may, by ordinance, eliminate for any term or terms the office of elected Tax Collector, provided that such ordinance require that taxes thereafter be collected by:

- (a) A municipal department or bureau;
- (b) Another governmental unit; and
- (c) Under agreement within one (1) or more other Municipalities, political subdivisions, school districts or governmental units.

The ordinance eliminating the office of elected Tax Collector shall be adopted at least seven (7) days prior to the first day for circulating petitions for nomination at primary elections involving the office of Tax Collector and shall not be made effective prior to the expiration of the term of any incumbent Tax Collector.

Section 1204. Salary

The Tax Collector shall receive such compensation as received by a Tax Collector in the Commonwealth of PA, or such other sum as set by Council by ordinance from time-to-time. Such compensation shall not be increased or decreased during the term for which any Tax Collector was elected or appointed. No such increase or decrease shall be accomplished by ordinance adopted less than seven (7) days prior to the first day for circulating petition for nomination at primary elections involving the office of Tax Collector provided that should

Council ordain collection of taxes under Act 511 of December 31, 1965 (P.L. 1257) after the seventh (7th) day prior to circulating petitions for nomination for Tax Collector, Council shall in said ordinance fix reasonable compensation for the Tax Collector relative to the additional duties imposed.

ARTICLE XIII

TREASURER

Section 1301. Appointment and Term

The Manager with the advice and consent of Council shall appoint a Municipal Treasurer for a term not to exceed two (2) years. The Treasurer shall be an official of the Municipal Depository.

Section 1302. Treasurer's Powers and Duties

The Treasurer shall:

- (a) Keep a just account of all receipts and disbursements and submit such account to the Municipal Auditor;
- (b) Pay over all monies remaining in the Treasury and deliver all books, papers, accounts, and other things belonging to the Municipality to any successor; and
- (c) Deposit all monies received in a bank or banking institution in the name of the Municipality.

Section 1303. Receipt and Payment of Funds

All monies received by any municipal officer or other person for the use of the Municipality shall be forthwith paid to the Municipal Treasurer. All expenditures shall be paid out of funds in the Treasury only when authorized by the Treasurer, upon order signed by the proper municipal officers. Such order shall not be executed unless there is money in the Treasury available therefore.

ARTICLE XIV

CONTRACTS

Section 1401. Competitive Bids

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

Section 1402. Bidding Procedure

- (a) The Municipality shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers, and exceptions, as it shall from time-to-time deem advisable; and
- (b) For all contracts or purchases, the threshold for the public bidding requirement after due publication, except those hereinafter mentioned, shall be made only to the lowest responsible bidder over Twenty Thousand One Hundred Dollars (\$20,100). Written or telephonic/electronic quotes from at least three (3) bidders shall be required for all contracts or purchases in excess of Ten Thousand Nine Hundred Dollars (\$10,900), but not more than Twenty Thousand One Hundred Dollars (\$20,100). Purchases or contracts below Ten Thousand Nine Hundred Dollars (\$10,900) do not require formal bidding or written/telephonic/electronic quotations. Annual adjustments to these threshold amounts shall be made due to inflation per the Consumer Price Index for All Urban Consumers (CPI-U), as amended. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service. The limit of Twenty Thousand One Hundred Dollars (\$20,100) may be increased by Council to the extent of the maximum permitted to any non-charter Municipality in the Commonwealth of Pennsylvania as that limit is from time-to-time established by the General Assembly.

Section 1403. Exceptions to Competitive Bidding

- (a) Labor or services rendered by any municipal officer or employee in payment for services;
- (b) Contracts for labor, material, supplies or services available from only one vendor;
- (c) Contracts for labor, material, supplies or services aggregating less than Twenty Thousand One Hundred Dollars (\$20,100) for the item in the fiscal year supplied;
- (d) Contracts relating to the acquisition or use of real property;
- (e) Contracts for insurance and professional or unusual services. However, no such contracts shall be let except after publication of notice and requesting proposals for same;
- (f) Contracts for emergency repair of public works of the Municipality; and

(g) Contracts with other governmental entities, authorities, agencies, or political subdivisions.

Section 1404. Purchase Orders

All purchase orders of the Municipality which exceed a certain sum established by Council under Ordinance shall be executed by the Manager. All other purchase orders shall be entered in accordance with procedures established by the Manager.

Section 1405. Real Property Appraisals

Real property shall not be purchased until appraisals from two (2) certified real estate appraisers have been received.

Section 1406. Unenforceable Contracts

Council may by ordinance authorize payment for materials furnished or services rendered in reliance on contracts made by Municipal officers or agents without authority or in excess of authority when the contract is one which the Municipality could have authorized.

ARTICLE XV

PERSONNEL

Section 1501. General

It is the intent of this Charter that the personnel system of the Municipality be built upon the best experience in the field of personnel management. The personnel system should recognize that employees are worthy and responsible enough to have their concerns fully heard and taken into account and should be such as to encourage employees to identify positively with the purpose of the organization and be motivated to give their best efforts in support of those purposes. The policies governing this system will seek to accommodate the views, interests and rights of the community as well as the municipal officers and employees.

Section 1502. Principles and Objectives Governing the Personnel System; Duty of the Manager

The Manager, or his/her designee, shall develop policies, procedures and regulations for the personnel system of the Municipality, which shall include, but not be limited to the following principles and objectives:

- (a) Providing equal opportunity for employment and for advancement of employees without regard to political affiliation, race, color, national origin, sex or religious creed and complying fully with all applicable state and federal regulations in this area;
- (b) Recruiting and selecting employees on the basis of their respective abilities, knowledge and skills, through open and competitive means;
- (c) Promoting employees on the basis of demonstrated performance and suitability for greater responsibilities;
- (d) Providing fair and competitive compensation and benefits for all employees, which shall be set forth in the form of a pay and benefit plan covering all positions in the Career Service;
- (e) Training and developing employees to assure continuing high quality performance;
- (f) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and terminating employees for inadequate performance pursuant to personnel policies;
- (g) Providing opportunity for employee growth and advancement through competent and capable leadership;
- (h) Assuring that employees are protected against coercion for partisan political purposes and, in return, that employees are restricted in their political activity as set forth in this Article;
- (i) Establishing a classification and position description system;

- (j) Rules and regulations governing reduction in manpower, discipline, discharge, resignation, leave of absence, and off-hour employment of municipal employees by other agencies; and
- (k) Establishing rules and regulations governing the resolution of claims of unfair or unjust treatment other than those resulting from suspension, dismissal, demotion, or reduction in rank.

Section 1503. Implementation of Personnel Policies, Rules and Regulations

Personnel policies, rules and regulations, and any amendments thereto, along with the establishment of other practices and procedures necessary to the administration of the municipal personnel system, when developed by the Manager, shall be submitted to Council which shall adopt them with, or without, amendment. Prior to such adoption, Council shall provide Municipal employees with the opportunity to review and comment upon such proposed policies, rules and regulations. Council may delegate to the Manager the responsibility for establishing procedures for such review and comment.

Section 1504. Compatibility with Legislative Enactments

No personnel procedures or policies established under the provisions of this Charter shall be in conflict with Acts of the General Assembly providing for collective bargaining and arbitration.

Section 1505. Political Activity Restrictions

- (a) No municipal employee shall be an officer of a political party, or be an elected committee person, or hold political office during employment;
- (b) No employee or official shall solicit any assessments, contributions, or services, for any political party or candidate from any municipal employee; and
- (c) Nothing herein contained shall affect the right of the employee to hold membership in and/or support a political party, to vote, to express publicly or privately opinions on all political subjects and/or candidates, to maintain political neutrality and to actively participate in political meetings. Any such activity shall be conducted as private citizens and during non-working hours.

Section 1506. Non-Municipality Employment

- (a) All Career Service employees and all Department Heads of administrative units shall disclose in writing to the Manager any non-Municipality employment;
- (b) Non-Municipal employment of the Manager or Department Heads shall require approval of Council given at a public meeting; and
- (c) Falsification of, or failure to submit, the disclosure report shall be grounds for disciplinary action.

Section 1507. Causes for Suspension, Removal, Demotion or Reduction in Rank

- (a) Except as otherwise provided in this Charter, no person in the municipal Career Service shall be suspended, removed, demoted or reduced in rank, except for the following reasons:
 - (1) Physical or mental disability affecting the ability of an employee to continue in the performance of the duties of the position;
 - (2) Neglect or violation of any official duty or assignment;
 - (3) Conviction of a misdemeanor or felony;
 - (4) Inefficiency, neglect, intemperance, immorality, insubordination, willful disobedience of orders, or conduct unbecoming an employee;
 - (5) Intoxication while on duty; and
 - (6) Engagement in political activity prohibited under this Article.
- (b) Any employee in the Career Service who is suspended, removed, demoted or reduced in rank for any of the above causes shall have the right to appeal to the Personnel Board, except those having grievance procedures in collective bargaining contracts, which deal with suspension, removal, demotion or reduction in rank; and
- (c) If, for reasons of economy, or other reasons, it shall be deemed necessary by the municipal government to reduce the number or rank of paid employees, such reductions shall not be subject to the provisions of this section, but shall be accomplished in accordance with rules and regulations promulgated by the Manager and approved by Council.

Section 1508. The Career Service

The Career Service shall be a permanent service to which the provisions of this Article shall apply and shall comprise all positions in the municipal service now existing or hereafter established, except the following:

- (a) Members of Council and other elected positions;
- (b) Members of Boards, Commissions, Authorities and Department Heads;
- (c) Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of Council or the Manager;
- (d) Persons employed as professional consultants or who are employed on a retainer basis;
- (e) Persons whose positions are defined by Act of the General Assembly to be of a confidential nature; and
- (f) Part-time or occasional employees.

ARTICLE XVI

THE PERSONNEL BOARD

Section 1601. Jurisdiction

The Personnel Board shall have jurisdiction in all cases involving Career Service employees who have been suspended, removed, reduced in rank, or demoted except Career Service employees represented by bargaining units which have executed contracts with the Municipality which provide for grievance procedures dealing with suspension, removal, reduction in rank or demotion. Where such grievance procedures exist, it is the intent of this Charter to exclude appeal to the Personnel Board.

Section 1602. Composition

The Mayor, with the advice and consent of Council, shall within ninety (90) days of the first organizational meeting of Council, appoint from the registered electors of the Municipality a Personnel Board composed of five (5) members.

Section 1603. Terms: Limitation on Terms

In making appointments to the first Board under the provisions of this Charter, the Mayor shall designate two (2) members to serve for a term of three (3) years, two (2) for a term of two (2) years, and one (1) for a term of one (1) year. Thereafter, all appointments shall be made for terms of three (3) years.

No individual shall be eligible to serve on the Personnel Board for more than two (2) full three (3) year terms. After the expiration of two (2) years, such individual shall be eligible for another appointment to the Board.

Any vacancy occurring on the Personnel Board for any reason whatsoever, shall be filled by the Mayor with the advice and consent of Council for the unexpired term, within the period of thirty (30) days after such vacancy occurs. Members of the Personnel Board may be removed from office by the Mayor with the advice and consent of Council.

Section 1604. Offices Incompatible with Membership on the Personnel Board

No member of the Personnel Board shall, at the same time, be a municipal employee or hold an elective or appointive office under the United States Government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth. No member of the Board shall be a member of any local, state, or national committee of a political party. Nor shall any member of the Personnel Board be an officer or employee of any bargaining agency representing employees of the Municipality. The first sentence of this section shall not be construed to apply to members of the teaching profession or to employees of any school district.

Section 1605. Organization of the Board: Quorum

The Personnel Board first appointed shall organize within ten (10) days of its appointment and shall elect one (1) of its members as Chairman and one (1) as Secretary. The Board shall thereafter meet and organize on the first Monday of January of each even-numbered year. The Secretary of the Board shall give each member twenty-four (24) hours notice of every meeting of the Board. Three (3) members of the Board shall constitute a quorum and no action of the Board shall be valid unless it shall have the concurrence of at least a majority of the members present.

Section 1606. Clerical Assistance, Legal Counsel, Supplies

The Municipality shall furnish to the Board, on its requisition, such clerical assistance and supplies as may be necessary for the work of the Board. The Municipality shall provide a suitable and convenient room for the use of the Board. The Manager and Council shall provide special legal counsel upon request of the Board in complex cases.

Section 1607. Minutes and Records

The Board shall keep minutes of the proceedings and records of other official actions. Such records shall be kept and preserved in accordance with general law. A stenographic record of all testimony taken at Board hearings shall be filed with, and preserved by, the Board which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

Section 1608. Powers and Duties of the Board

It shall be the function and duty of the Personnel Board to grant a hearing to an employee who has been suspended, removed, reduced in rank, or demoted upon the request of such employee. The Board shall hear and render a decision on every appeal properly brought before it. All parties shall have the right of further appeal as provided in the "Local Agency Law" Act of 1968, December 2, P.L. 1133, as now or hereafter amended, supplemented, re-enacted or supplied.

Section 1609. Rules and Procedures Governing Appeals to the Personnel Board.

The first Personnel Board established under this Charter shall, within ninety (90) days of its organization, set forth in writing the rules and procedures which shall govern appeals as permitted herein. Such rules and procedures shall provide for, but not be limited to, a due process hearing, and shall otherwise comply with the provision of the "Local Agency Law."

The rules of the Board shall further provide that no order of suspension made by the Board shall be for a period longer than one (1) year, and that the Board may sustain the charges or reduce the length of suspension or dismiss the charges.

All hearings of appeal involving a Career Service employee shall be closed to the public unless otherwise requested by the employee making the appeal.

The rules and procedures established by the Board, and any revisions or amendments thereto shall, before adoption by the Board, be approved by Council, after review by Council and the Manager.

The personnel procedures or policies established under the provisions of this Charter shall not be in conflict with the Acts of the General Assembly providing for collective bargaining and arbitration.

Section 1610. Decision

The Board shall render its decision within thirty (30) days of the receipt of the transcript.

In the event the appellant is cleared of all charges, then the appellant shall be reinstated to the position with full pay for the period during which the appellant was suspended, removed, reduced in rank or demoted.

Upon such acquittal and after the expiration of all time for appeal, all references to the charge, hearing and decision shall be maintained as confidential records of the Municipality.

ARTICLE XVII

INVESTIGATIVE, HEARING AND SUBPOENA POWERS OF COUNCIL, THE MAYOR, AUDITOR AND PERSONNEL BOARD

Section 1701. Hearings

Members of Council, the Mayor, the Auditors and the Personnel Board shall have the power to authorize and conduct investigative hearings in aid of the exercise of their powers and performance of their duties.

Section 1702. Rules

The officers aforesaid, independently, may from time to time adopt rules governing the hearing procedures.

Section 1703. Attendance

The officers aforesaid may compel the attendance of witnesses and the production of books, papers or other evidence, at investigative hearings, and for that purpose may issue subpoenas signed by any of the officers aforesaid, or other legal process compelling such attendance or production in accordance with applicable law.

Section 1704. Oaths

The officer presiding at any hearing held pursuant to this Article shall have the power to administer oaths or affirmations to witnesses.

Section 1705. Penalty

If any person shall refuse or neglect to obey any subpoena issued by the officer, that person shall, upon conviction thereof at a summary proceeding, be subject to such fines, costs and other sanctions as provided by applicable law.

Section 1706. Subpoenas, Court Proceedings

If any person shall refuse or neglect to obey any subpoena issued by the officer, the officer may apply by petition to the Court of Common Pleas for its subpoena, requiring the attendance of such persons before the officer or the Court.

ARTICLE XVIII

BOARDS. COMMISSIONS. AND AUTHORITIES

Section 1801. Authorization and Appointment of Members

In addition to the Boards and Commissions established by this Charter, Council may from time to time establish, by ordinance, various other Boards, Commissions and Authorities to act in advisory capacity or to perform special functions. The members thereof shall be appointed by Council unless otherwise specified in this Charter. Individual members of Council and the Mayor may make nominations for appointments to Boards, Commissions and Authorities.

Section 1802. Qualifications of Members and Term Restrictions

- (a) All persons appointed to any Board, Commission or Authority shall be residents of the Municipality and remain so during their term of office;
- (b) Persons appointed to serve on Boards, Commissions and Authorities after the effective date of this Charter shall not serve more than two (2) consecutive terms. Filling an unexpired term shall not be considered in calculating terms for this purpose;
- (c) No elected official shall serve on any Board, Commission or Authority except in an ex-officio non-voting capacity, except as otherwise provided in this Charter; and
- (d) No person shall serve concurrently on more than one municipal Board, Commission or Authority except in an ex-officio capacity or as otherwise provided in this Charter.

Section 1803. Terms

Except as otherwise provided in this Charter, or general law, the term of office for members of all Boards, Commissions and Authorities shall not exceed four (4) years.

Section 1804. Vacancy

- (a) A vacancy on any Board, Commission or Authority shall be the subject of social media notice in the Municipality at least twenty-five (25) days prior to nomination for the filling of the vacancy.
- (b) Nominations shall be made at a Council business meeting. At the time of nomination, each nominating official shall publicly present to Council a resume of the nominee's qualifications, which shall include a summary of nominee's civic interests and contributions and special qualifications for the proposed appointment. Nominations shall be acted on at the next business meeting but not sooner than twenty-five (25) days after the date of nomination.

Section 1805. Citizen Participation

Any resident of the Municipality may submit their name or the name of one (1) or more other residents of the Municipality to the Manager for consideration by the Mayor and Council as a nominee to any one (1) or more of the Boards, Commissions or Authorities of the Municipality.

Section 1806. Planning Commission

The Planning Commission shall consist of seven (7) residents of the Municipality. The term of each of the members of the commission shall be for four (4) years, or until his successor is appointed and qualified, except that the terms of the members shall be so fixed that no more than two (2) shall be reappointed or replaced during any future calendar year. Members of the Commission shall hold no other elective office of the Municipality. The Commission may make and alter rules and regulations for its own organization and procedure consistent with the ordinances of the Municipality and general law.

The Manager shall appoint the Department Head responsible for Planning as an ex-officio member of the Commission.

The Commission shall:

- (a) Advise Municipal Council in matters relating to planning, zoning and development of the Municipality as required by ordinance;
- (b) Cooperate with the administrative appointee of the Manager;
- (c) Hold public hearings to receive proposals, and prior to acting on proposals as required by ordinance or general law;
- (d) Require proposals for land subdivisions or other uses of land having or likely to have environmental impact, to contain an environmental impact statement related to the proposed development, including but not limited to the effect of the proposed use on public facilities, drainage systems, traffic flow, public safety, schools, and recreation; and
- (e) Require that the Comprehensive Plan in effect on the effective date of this Charter be retained and that the Comprehensive Plan be reviewed every ten (10) years or more frequently if recommended by the Planning Commission.

Section 1807. Zoning Hearing Board

The Zoning Hearing Board shall consist of either three (3) or five (5) residents of the Municipality. The term of office for a three (3) member Board shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member of a five (5) member Board shall expire each year. Members of the Board shall hold

no other elective office of the Municipality. All other provisions of the Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988, Act 209 of 1990, Act 131 of 1992 and Acts 67 & 68 of 2000) as now or hereafter amended, reenacted or supplied including, but not limited to, the conduct of hearings and the making of decisions as shall be applicable to the Zoning Hearing Board.

Section 1808. Library Board

This Library Board shall be composed of seven (7) members serving three (3) year terms. The terms shall be so fixed that the terms of office of three (3) members shall expire once every three (3) years and two (2) members shall expire each of the other two (2) years.

Council shall appoint one (1) of its members to serve on the Board. The Council member's term shall be terminated should the person appointed cease to be a Member of Council.

The Library Board shall:

- (a) Be responsible for the operation of the Municipal Library in accordance with the ordinances of the Municipality and general law; and
- (b) Report quarterly to Council as a whole at a public meeting regarding the budget and activities of the Library.

Section 1809 Recreation and Parks Advisory Board

The Recreation and Parks Advisory Board shall consist of one (1) member residing in each of the seven (7) Wards; one (1) member of the municipal council (ex-officio). If a vacancy exists for six (6) months in a given Ward, then the council member from the Ward shall be permitted to appoint a person from another Ward to serve the remainder of the applicable term.

The Recreation and Parks Advisory Board shall:

- (a) Advise Municipal Council in all matters relating to recreation and parks, and all other activities appropriately identified by Council;
- (b) Prepare with the administrative appointee of the Manager, and submit to Council, the proposed budget for recreations and parks;
- (c) Report quarterly to Council as a whole at a public meeting, regarding the budget and activities of recreation and parks;
- (d) Advise the administrative appointee of the Manager for recreation and parks with regard to the recreation programs and the allotment of funds for such programs; and
- (e) Make policy recommendations directly to Municipal Council concerning capital expenditures, staff and programming related to the recreational requirements of the community.

Section 1810. Human Needs and Resources Advisory Board

This Human Needs and Resources Advisory Board shall be composed of seven (7) members each serving three (3) year terms. The terms shall be so fixed that the term of office of three (3) members shall expire once every three (3) years and two (2) members shall expire each of the other two (2) years. The Manager shall appoint an administrator involved in human services as an ex-officio member of the Board.

The Human Needs and Resources Advisory Board shall:

- (a) Collect and assess data on social problems and needs of the Municipality;
- (b) Investigate sources of funding appropriate for assisting in the solution of social problems;
- (c) Utilize resources now existing, including increased cooperation among community groups;
- (d) Report quarterly to Council as a whole at a public meeting regarding community needs and resources; and
- (e) Advise the administrative appointee of the Manager for human services with regard to community needs and the allotment of funds for such programs.

Section 1811. Ethics Board

The Ethics Board shall be composed of three (3) members who shall be appointed in the following manner:

- (a) One (1) member appointed by Council;
- (b) One (1) member appointed by the Mayor; and
- (c) A third member to be appointed by the Council Representative and the Mayor Representative.

All members of the Ethics Board shall serve for a term of two (2) years. In the case of a vacancy on the Board, an appointment shall be made to said vacancy by that body who made the original appointment prior to the vacancy occurring.

The Board shall conduct investigations on all complaints in accordance with the "Ethics Code" of the Municipality of Monroeville Ordinance No. 1697 or as otherwise established by amendment or other applicable law.

Section 1812. Civil Service Commission

The Civil Service Commission of the Municipality of Monroeville shall be established, organized and have the powers pursuant to the PA Borough Code, as amended, and applicable Commonwealth of PA law.

ARTICLE XIX

SUCCESSION

Section 1901. Rights and Liabilities of the Municipality

The Municipality 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 1902. Authority of Existing Elected Officers

The Mayor, Members of Council, and the Tax Collector in office at the time this Charter becomes effective, shall remain in office for the full terms for which they were originally elected and shall perform the duties and exercise the powers set forth in this Charter.

Auditors shall remain in office for the full terms for which they were originally elected; however, their functions shall be performed by the Auditor appointed under this Charter.

Should a vacancy in the office of elected Auditor occur, the vacancy shall not be filled.

ARTICLE XX

INITIATIVE BY REFERENDUM

Section 2001. Authority

Electors of the Municipality shall have the authority to initiate action of the municipal government by referendum.

Section 2002. Form of Petitions

Petitions under this Article shall be directed to Council and may request adoption of an ordinance or resolution or contain a request for specific action. The petition for referendum shall contain the exact wording of any proposed ordinance or resolution or a concise description of the action requested.

Petitions shall be signed by fifteen percent (15%) of the registered electors of the Municipality at large, or ten percent (10%) of the registered electors from each Ward of the Municipality.

Every elector signing a petition shall add to the signature, the place of residence and the date of signing.

Petitions shall be verified by an oath or affirmation of one (1) or more of the signers thereof, taken and subscribed before a person qualified under the laws of Pennsylvania to administer an oath, to the effect that the petition was signed by each of the signers thereof in their proper handwriting, that the signers are to the best knowledge and belief of the affiant, registered electors of the Municipality, and that the petition is prepared and filed in good faith for the sole purpose of requiring action of the Council as stated in the petition.

All signatures of the petition shall be obtained within a ninety (90) day period prior to submission to Council. The petitions shall be directed to the Allegheny County Board of Elections for approval to appear on the next available ballot.

Section 2003. Filing

Petitions shall be submitted for filing to the Allegheny County Board of Elections in a timely manner pursuant to the Pennsylvania Election Code.

Section 2004. Council's Duty to Act

Council shall act on the subject matter of the referendum at the next regular monthly meeting of Council and shall act by voting consistent with the results of the referendum notwithstanding any provision to the contrary contained in this charter.

Section 2005. Citizens Right to Initiative, Referendum and Petition

All rights of initiative, referendum and petition granted to the people by the Pennsylvania Constitution and the Acts of the General Assembly shall remain unbridged.

ARTICLE XXI

GENERAL

Section 2101. Qualification of Elected Officials

Elected officials shall be citizens of the United States and registered electors of the Municipality throughout the officials' term. Members of Council shall be residents of the Wards from which they are elected throughout the Members term.

No incumbent Member of Council shall be made ineligible to hold office by reason of redistricting during a term of office, but shall continue to represent the Ward from which originally elected for the remainder of the term for which elected.

Any person otherwise eligible to hold the office of Members of Council shall not be made ineligible by reason of redistricting, but during the term following redistricting such person may represent the Ward in which originally eligible.

No person shall be eligible to seek office in more than one Ward at any time.

Section 2102. Prohibitions

No elected Municipal official shall hold any other elective governmental or political office or municipal employment while serving as an elected official. Nor shall any former elected Municipal official be employed or appointed by the Municipality in any compensated capacity until two (2) years after the expiration of the term for which such official was elected, except when such official held an office eliminated by ordinance.

Elected delegates to National Political Conventions shall not be considered elected officers in this section.

Elected officials shall not at any time authorize approve or ratify any payment or expenditure made in excess of any budget appropriation. Nothing contained herein shall be construed to prevent Council, during any fiscal year, from adopting, by ordinance, new appropriations, supplementary appropriations and transfers from one appropriation to another.

Section 2103. Vacancies

The office of an elected official shall become vacant upon 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 forty-five (45) days after the commencement of the term thereof. An Elected Official shall forfeit office if the official:

(a) Is convicted of a felony or a crime involving moral turpitude or misbehavior in office, or

- (b) Lacks at any time during the term of office any qualifications for this office prescribed by this Charter or by law; or
- (c) If a Member of Council, or the Mayor, is absent from at least three (3) consecutive business meetings of Council, unless excused by Council, Council shall declare such office vacant at least ten (10) days before the same shall be filled by appointment; or
- (d) Violates any express prohibition of this Charter; or
- (e) Is found to have committed an act or acts which constitute malfeasance in office, misfeasance in office, or violation of the oath of office. For purpose of this section:
 - (1) "Malfeasance in Office" means an unlawful act committed willfully by any elective public officer;
 - (2) "Misfeasance in Office" means fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer; and
 - (3) "Violation of the Oath of Office" means the neglect of failure by an elective public officer to perform a duty imposed by law.
- (f) Except for alleged forfeitures of office under subsection 2103 (a), (b) and (c), the Ethics Board shall investigate charges pertaining to forfeiture of office, and for that purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. The Ethics Board shall submit all resulting findings and recommendations to Council for consideration and action as set forth in this Section. A member charged with conduct constituting grounds for forfeiture of office on grounds other than that set-out in sub section (a), (d), and (e) shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the Municipality at least one (1) week in advance of the hearing. A member charged with conduct constituting grounds for forfeiture of office shall not be permitted to participate in any Council investigation or vote;
- (g) Council shall be the judge of forfeiture of its members pursuant to subsections 2103 (a) through (e). Decisions made by Council under this section shall be subject to review by the Court of Common Pleas of Allegheny County; and
- (h) The Court of Common Pleas of Allegheny County shall have the jurisdiction and be the judge of the grounds for forfeiture of office where a complaint in writing by at least one hundred (100) registered electors of the Municipality filed with the Court alleging forfeiture of office under subsection 2103 (d) or (e). The Court shall issue upon such officer or officers named an order to show cause why their office or offices should not be declared vacant and another appointed in their seat.

Section 2104. Filling of Vacancies

- (a) If a vacancy shall occur in any elective office in the Municipality for any reason set forth in this Charter, except for vacancies caused by forfeiture of office under sub-sections (b), (c) or (e) of Section 2103 of this Article, the remaining members of Council shall fill such vacancy by appointing a person eligible under this Charter to hold such office, if the term thereof continues so long, until a successor is elected as follows:
- (1) Candidates shall be selected at a special election to be held at the next municipal primary election occurring more than sixty (60) days after the vacancy occurs; and
 - (2) The candidates selected pursuant to sub-paragraph (1) shall run in the next municipal general election and the candidate elected shall take office on the first Monday in January following the general election and shall serve the remainder of the unexpired term.
- (b) If Council shall fail to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas of Allegheny County shall, upon petition of Council or of any five (5) electors of that Ward of the Municipality whose Council seat is vacant, fill the vacancy in such office by the appointment of an eligible resident of the Municipality for the unexpired term in office;
- (c) As for vacancies caused by forfeiture of office under sub-section (a), (d), or (e) of Section 2103 of this Article, the Court of Common Pleas of Allegheny County shall, upon petition of Council or of any five (5) electors of the Municipality fill the vacancy with an eligible resident of the Municipality for the unexpired term of office;
- (d) Notwithstanding sub-section (a) and (b) above, whenever four (4) or more vacancies exist on Council, upon petition of the remaining members of Council or of any five (5) electors of the Municipality, being filed with the court of Common Pleas of Allegheny County in the following manner:
- (1) Candidates shall be selected at a special election to be held at the next municipal primary election occurring more than sixty (60) days after the vacancy occurs; and
 - (2) The candidates selected pursuant to sub-paragraph (1) shall run in the next municipal general election and the candidate elected shall take office on the first Monday in January following the general election and shall serve the remainder of the unexpired term.

Section 2105. Oath of Office

All elected and appointed officials, prior to assuming office, shall take and shall 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 the Mayor of the Municipality or before a person authorized to administer oaths, and no person shall be permitted to assume such office until the oath, in written form, is filed with the Municipality.

Section 2106. Conflict of Interest

No elected or appointed municipal officer or employee shall influence or attempt to influence, the making of or supervise in any manner or deal with any contract or municipal matter in which said person has an adverse or special interest.

Section 2107. Duty to Reveal Conflict

Any elected or appointed municipal officer who knows, or in the exercise of reasonable diligence, could know that an officer is interested financially directly or indirectly in any municipal contract, or has an adverse or special interest in any municipal matter, shall notify Council thereof; any such contract or municipal matter shall not be acted upon or approved by Council except by an affirmative vote of at least five (5) of the members thereof. When the interested officer is a member of Council, such officer shall refrain from voting on said contract or municipal matter.

The provisions of this section shall not apply to cases where such officer is an employee of the person, firm or corporation involved in a municipal contract, or municipal matter, in a capacity with no possible influence on the transaction and in which such person cannot possibly be benefited thereby, either financially or in any other material matter.

Section 2108. Violation

Any elected or appointed Municipal officials who shall knowingly violate the foregoing conflict sections shall forfeit their offices and any employee doing so shall be dismissed.

Section 2109. Removal From or Forfeiture of Office of Elected Officials

Legal action to determine whether any elected official is subject to removal from office of forfeiture of office for any reason set forth in this Charter for committing any of the prohibited actions set forth in this Charter, or for any cause recognized in law, shall be commenced in the Court having jurisdiction thereof.

Section 2110. Rights and Privileges of Employees

This Charter shall not give any power or authority to diminish any rights or privileges of any present or former municipal employee entitled to benefits in any pension or retirement system.

An employee holding a municipal position at the time this Charter takes full 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 Articles XV and XVI.

Section 2111. Amendment of Charter

This Charter may be amended in accordance with the Home Rule Charter and Optional Plan Law, as now or hereafter amended, re-enacted or supplied.

Section 2112. Severability

It is the intention of the electors of the Municipality, that if this Charter cannot take effect in its entirety because of the judgment of any Court of competent jurisdiction holding invalid any part or parts hereof; the remaining provisions of this Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

ARTICLE XXII

TRANSITION

Section 2201. Statutes and Ordinances Superseded

Subject to pertinent enabling legislation authorizing a Home Rule Charter, this Charter shall supersede all statutes or parts of statutes local, special, or general, and all ordinances of the Borough of Monroeville affecting the organization, government and powers of the Municipality to the extent that they are inconsistent or in conflict with this Charter.

Section 2202. Continuation of Existing Statutes and Ordinances

All statutes, 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.

Section 2203. 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 Municipality 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 2204. Continuance of Contracts, Public Improvements and Taxes

All contracts entered into by the Municipality, 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 Municipality 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 2205. Existing Authorities

The Municipality's membership and participation in any Municipal Authority at the time this Charter is adopted shall continue and the persons representing the Municipality on the board of any such Authority shall continue in office until the normal expiration of their terms or until their successors are appointed.

Section 2206. Continuation of Boards and Commissions

If a municipal department, office, agency, Board, Commission or other entity is abolished by this Charter, the powers and duties given it by law shall be transferred to the municipal department

office, agency, Board, Commission or other entity designated in this Charter or, if the Charter makes no provision, designated by Council.

Except as otherwise provided in the Charter, all Boards and Commissions in existence at the time of the adoption of this Charter shall continue and the persons representing the Municipality on any such Board or Commission shall continue in office until the normal expiration of their terms or until their successors are appointed. Thereafter, persons appointed shall serve terms as designated by ordinance adopted pursuant to this Charter.

ARTICLE XXIII

SCHEDULE

Section 2301. Election to Adopt Charter

This Charter shall be submitted to a vote of the electors of the Borough of Monroeville at the Primary Election to be held on May 21, 1974.

Section 2302. First Election

The first elections required to effect the provisions of this Charter shall be conducted by the election officials of the Borough of Monroeville and the County of Allegheny, in accordance with the Pennsylvania Election Code in the year 1975.

Section 2303. Time of Taking Full Effect

This Charter shall be in full effect for all purposes on and after the first Monday in January, 1976.

Section 2304. First Meeting of Council

On Monday, January 5, 1976, following the first election of Council members under this Charter, the Council shall meet at 8:00 p.m. in the legislative chambers of the Monroeville Municipal Building.

Section 2305. Appropriations

All appropriations made in the budget ordinance for the year 1976 shall be made to the then existing offices, departments, Boards and Commissions of the Municipality or their successors under this Charter. Provision shall also be made in the budget ordinance for the year 1976 for any offices, departments, Boards or Commissions created by this Charter to exercise new functions.

Section 2306. Reviews of Ordinances

Council shall, as promptly as possible after its organization, conduct a review of existing ordinances and adopt any new ordinances or amendment to existing ordinances which may be necessary to implement the provisions of this Charter.

ARTICLE XXIV

RECALL

Section 2401. Officers Subject to Recall

Any person holding an elective office of the Municipality, whether by election succession or appointment to fill the vacancy, shall be subject to removal from office at a recall election in the manner provided in this Article or as may otherwise be provided by this Charter or applicable law.

Section 2402. Reasonable Cause

(a) The recall of an incumbent of an elective office of the Municipality shall be for reasonable cause which shall include, but not be limited to, an act or acts which constitute forfeiture of office under this Charter, malfeasance in office, misfeasance in office, or a violation of the oath of office, committed by any elective public officer of the Municipality during the term of office which he or she is presently serving.

(b) For the purpose of this Article:

(1) "Malfeasance in Office" means an unlawful act committed willfully by any elective public officer;

(2) "Misfeasance in Office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer;

(3) "Violation of the Oath of Office" means the neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

Section 2403. Initiating the Recall

Whenever any registered voter or committee or organization of legal voters of the Municipality shall desire to demand the recall and discharge of any person holding an elective office of the Municipality, he, she, or they shall prepare a typewritten charge reciting;

(a) The name of the elective public officer;

(b) The title of the office; and

(c) The grounds for holding a recall election (as set forth above); which charge shall state the act or acts complained of in concise language, without unnecessary repetition, and shall be signed by the person or persons make the same, give their respective addresses, and be verified under oath that he, she, or they believe the charge or charges to be true.

Section 2404. Charges - Sufficiency of Grounds

The grounds for recall to be recited in a petition for recall are sufficient if it can be understood therefrom that the act or acts charged therein are clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

Section 2405. Ballot Synopsis

The charge shall be filed in triplicate with the County Board of Elections. The Board of Elections shall, within fifteen (15) days of the filing of the charge, formulate a ballot synopsis of such charge not to exceed Two Hundred (200) words, which shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge, and shall notify the elective officer against whom such charge or charges have been made, and the persons filing the charge, of the exact language of such ballot synopsis. A copy of the charges filed and a copy of the ballot synopsis shall be served on the elective officer and the persons filing the charge by certified or registered mail or by personal service. Thereafter, such charges shall be designated on all petitions, ballots and other proceedings in relation thereby to such synopsis.

Section 2406. Enforcement Provisions - Jurisdiction - Appeals

Any person aggrieved by the filing of recall charges or by the failure thereafter of the Board of Elections to perform duties in relation to the recall, may petition for relief to the Court of Common Pleas of Allegheny County. In reviewing such petition, the Court shall have the jurisdiction to consider the following grounds:

- (a) The sufficiency or specificity of such recall charge or charges;
- (b) The sufficiency or specificity of the ballot Synopsis of such recall charge or charges;
- (c) The issuance of a writ of mandamus to compel the performance of any act required by the Board of Elections or to prevent the performance by the Board of any act in relation to recall not in compliance with law; and
- (d) The existence or lack of facts establishing prima facie the truthfulness of such recall charge or charges provided, that any person challenging any such recall charge pursuant to this subsection (d) shall have the burden of proof by clear and convincing evidence.

Any proceeding pursuant to sub-sections (a), (b) and (d) of this Article shall be commenced within fifteen (15) days from the time that notice is given of the preparation of a ballot synopsis of such recall charge or charges and, further provided, that any proceeding pursuant to subsection (c) of this Article shall be commenced within ten (10) days from the time the cause of complaint arises.

Actions brought pursuant to this Article shall be considered an emergency matter of public concern, take precedence over other cases and be speedily heard and determined. Any proceeding to review a decision of the Court of Common Pleas shall be begun and perfected within fifteen (15) days after its decision in a recall election case and shall be by the Supreme Court considered an emergency matter of public concern and speedily heard and determined.

Section 2407. Preparation of Recall Petition

Fifteen (15) days after being notified of the language of the ballot synopsis of the charge, the person or persons filing the charge shall cause to be prepared petitions for recall and discharge of such officer. Such petition shall state the elective official's name, title of the office and the ballot synopsis as prepared by the Board of Elections.

Section 2408. Number of Signatures-Required

An election for the recall of such an elected official shall be directed where such petition has been signed by at least twenty (20%) percent of the registered electors voting in the last gubernatorial election in the Municipality at large, if serving in an "at large" position, or of the Ward, if serving in a Ward position:

(a) Each elector signing a recall petition shall add to his or her signature his or her residence and the date of signing. All signatures must be executed in ink or ball point pen. Signatures on a recall petition may be on separate sheets, but each sheet shall be appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the Municipality, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

(b) A recall petition shall be filed with the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is filed. Upon filing with the Board of Elections, the petition shall be available for examination and copying by any interested person. Within fifteen (15) days after the filing of the petition, the Board of Elections shall, in writing, pass upon the validity of the petition and the validity and the number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas of Allegheny County.

Section 2409. Notice to Incumbent and Petitioner's Representative

(a) As soon as the Board of Elections has issued its written decision as provided for in section 8 above, the Board, in writing, shall notify the incumbent named in the petition that a petition has been filed and a copy of the Board's decision shall be attached to the notice;

(b) If a representative of the petitioners has filed in writing a request with the Board for a copy of said notice and the Board's decisions, a copy of the notice and the decision shall also be served on the petitioner's representative at the same time;

(c) The notice and decisions shall be served on the incumbent and any such representative of the petitioners by certified or registered mail, or personal service; and.

(d) Upon receipt of such notice, the incumbent may resign from his or her office and thereupon the recall procedure shall terminate.

Section 2410. Recall Elections

(a) If the incumbent against whom a recall petition is directed does not effectively resign from his or her office within ten (10) days after notice of the filing of such a petition shall have been given to him or her, the Board of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days or more than ninety (90) days after the ten (10) days have expired, the recall questions shall be placed before the electors in such an election. Otherwise a special recall election shall be fixed by such Board for a date not earlier than thirty (30) days nor later than ninety (90) days after the ten (10) days have expired. The incumbent against whom the recall petition is directed may resign at any time prior to the recall election and thereupon the recall election shall not be held.

(b) The following questions shall be presented to each elector in a recall election:

"Shall (name of officer) be recalled and removed from the office of (name of office) because (herein insert the synopsis of the charge as prepared by the Board of Elections);"

(c) The above questions shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "yes" or "no" on the question; and

(d) If a majority of the registered electors who vote on the question of recall shall vote "yes", the incumbent shall be deemed recalled and removed from office, but if a majority of the registered electors do not vote "yes" he or she shall remain in office. Should the result of such an election be affirmative, the date of removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of the election are certified by the Board of Elections, unless such date is postponed by an order from a court of competent jurisdiction.

Section 2411. Disqualification

No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to him or her has been filed shall be eligible for appointment to any elective or appointed office of the Municipality within two (2) years after his or her removal or resignation.

Section 2412. Limitations

No recall petition may be filed against any incumbent of an elective office within the first year or the last nine (9) months of the terms of his or her office or within nine (9) months after an unsuccessful recall election against him or her but an officer who has been re-elected for a successive term shall be subject to recall during the first year of such term.

APPENDIX

CHAPTER REFERENCES TO GENERAL LAW

In certain Sections of the Charter, reference is made to general laws, codes and Acts of the General Assembly. The following Sections make such references:

| Section | Reference |
|-----------------|---|
| 203 | Anticipates future Acts of the General Assembly. |
| 204 | Eminent Domain Code, Act of June 22, 1964, P.L. 84. |
| 302 | Janice Olszewski et al v. David Kucherer, GD081632 Richard S. Buxter v. Municipality of Monroeville, GD0424276 |
| 304 | Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333 |
| 402 | Open Records Act, No. 212 of 1957 |
| 503 | Reference to due process requirements |
| 504 | Reference to future Acts of the General Assembly |
| 602 | Janice Olszewski et al v. David Kucherer, GD081632 Richard S. Buxter v. Municipality of Monroeville, GD0424276 |
| 1001 | Monroeville Police Department Wage Policy Committee v. Municipality of Monroeville , GD028117 |
| 1006 | Act of January 14, 1952, P.L. 1951 |
| 1202 | Local Tax Collection Law, Act of May 25, 1945, P.L. 1050 |
| 1402 (b) | Reference to Code of Boroughs, Townships, Cities and Counties |
| 1610 | Public Employees Relations Act, Act of July 23, 1970, No. 195 |
| 1803 | Pennsylvania Municipalities Planning Code, Act 247 of 1968 Municipality Authorities Act of May 2, 1945, P.L. 382 |
| 1806 | Pennsylvania Municipalities Planning Code, Act 247 of 1968 |
| 1808 | Library Code, Act of June 14, 1961, P.L. 324 |
| 2109 | Pennsylvania Constitution, Article VI, Section 6 and 7 |
| 2207 | Monroeville Police Department Wage Policy Committee v. Municipality of Monroeville , GD028117 |
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