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GOVERNMENT STUDY COMMISSION
OF THE
TOWNSHIP OF FRANKLIN

MUNICIPAL BUILDING, RD #3
2885 SCHOOL ROAD, SOUTH
EXPORT, PA. 15632
(412) 327-2100

February 17, 1976

Dear Franklin Citizen:

On November 5,1974, the voters of Franklin Township approved the formation of the Government Study Commission. In accordance with the Home Rule Charter and Optional Plans Law of Pennsylvania, Act 62, of 1972, Section 207, the Commission's mandate was to:

> "...study the form of government of the municipality, to compare it with other available forms under the laws of this State, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsible or accountable to the people, or whether its operation could become more economical or efficient under a changed form of government."

The included report explains the inadequacies of the present form of government and recommends the adoption by the voters of a Home Rule Charter. The Charter provides for the Mayor-Council form of government with a Chief Administrator.

The Charter offers you greater influence on local government than citizens have ever had. It provides you and the other citizens of Franklin the right to make many decisions about local affairs, rather than to have these decisions made by the General Assembly in Harrisburg. As needs arise, the Charter may be amended at the local level to meet these needs. The Commission realizes that the adoption of the Charter will not be an automatic solution to the problems confronting Franklin, but the flexibility of the Charter will provide a more responsive form of government.

YOU will have the opportunity to vote on the Charter at the Primary Election on April 27, 1976. At that time the following question will appear on the ballot:

"Shall the Home Rule Charter contained in the report, dated February 17, 1976, of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Borough of Franklin?"	YES
	NO

GOVERNMENT STUDY COMMISSION
OF THE
TOWNSHIP OF FRANKLIN

MUNICIPAL BUILDING, RD #3
2885 SCHOOL ROAD, SOUTH
EXPORT, PA. 15632
(412) 327-2100

The members of the Franklin Township Government Study Commission recommend its adoption.

Respectfully submitted,

Richard T. Jones, Chairman

Harry L. Seitz

Beatrice A. Bonfiglio, Vice-Chairman

Janice E. Tylka

Shirley J. Murphy, Secretary

Kurt Rethwisch

Shirley J. Turnage, Treasurer

Paula Stefani

PRESENT FORM OF GOVERNMENT

On January 1, 1976, Franklin changed its form of government from a Township of the Second Class to a Borough. Boroughs operate under a code which provides all executive, administrative and legislative authority to be vested in the Council. Council names one of its members as President. All members have equal authority.

Some of the faults inherent in the Borough form of government are:

1. NO SYSTEM OF CHECKS AND BALANCES. Elected Councilmembers serve as both legislators and executives. They have the responsibility for making laws and seeing that they are properly implemented. The Mayor's veto is the only check on Council's legislative powers.

2. INABILITY TO FIX RESPONSIBILITY. Since administrative affairs are the collective responsibility of Council, it is difficult for voters to determine which Councilmembers are effectively performing their duties.

3. NO CENTRAL AUTHORITY. Councilmembers tend to act independently in directing administrative and department heads.

4. NO FLEXIBILITY. The Borough Code is restrictive and does not permit the local government adequate flexibility to meet citizens' needs in the most economical and efficient manner.

5. NO GUARANTEE OF CITIZENS RIGHT TO BE HEARD. No provision is made in the Borough Code to guarantee the right of a citizen to be heard at any Council meeting.

The Borough Code, which is uniformly applied, restricts the government of a municipality. The citizens of Franklin are entitled to a government tailored to meet their needs. These factors strongly influenced the Commission's decision to write a Home Rule Charter.

RECOMMENDATIONS

The Borough of Franklin faces its greatest challenges and opportunities in the years ahead. At present the community is only twelve percent developed with population concentrated in several areas of the Borough. The Government Study Commission feels that the Charter will serve today's needs better than the Borough Code and is flexible enough to meet tomorrow's challenges.

To best fulfill the needs of the municipality of Franklin, the Commission recommends the Mayor-Council form of government. Based on the principle of separation of powers, the Council under this plan enacts the legislation, and the Mayor, through a Chief Administrator, has the responsibility for the execution of the ordinances and the day-to-day administration of all departments.

The Commission, after considerable research and deliberation, has concluded that the best representation for Franklin citizens can be achieved by a seven member Council elected at large. Weighing heavily against a change to ward elections are the following: the high cost of implementing the ward system and the frequent redistricting expected, the inability to establish suitable ward boundaries, and testimony against the ward system from those working under it. The Commissioners realize that no one system can be considered perfect and that any system always depends, for its success, upon informed voters.

The proposed Charter:

1. Separates legislative and executive functions of government and incorporates a better system of checks and balances.

2. Incorporates a Conflict of Interest provision and mandates that a Code of Ethics be adopted.

3. Limits the number of consecutive terms the Councilmembers and Mayor can hold.

4. Requires a Chief Administrator who will have responsibility for administering municipal affairs.

5. Guarantees citizens the right to be heard by Council.

6. Guarantees citizens the right to petition Council totake action on any matter.

7. Requires publication of ordinances prior to adoption.

8. Requires adoption of an administrative code.

9. Requires adoption of a personnel system, based on merit, wherever possible.

10. Establishes orderly financial procedures administered by a Director of Finance.

11. Requires a budget message, a capital program, and an independent audit by an accountant.

12. Requires competitive bidding on all contracts over $1500.

13. Limits tax rates to those authorized by the General Assembly under the Township of the Second Class Code and requires the consent of the electorate or the affirmative vote of six Councilmembers to raise property taxes.

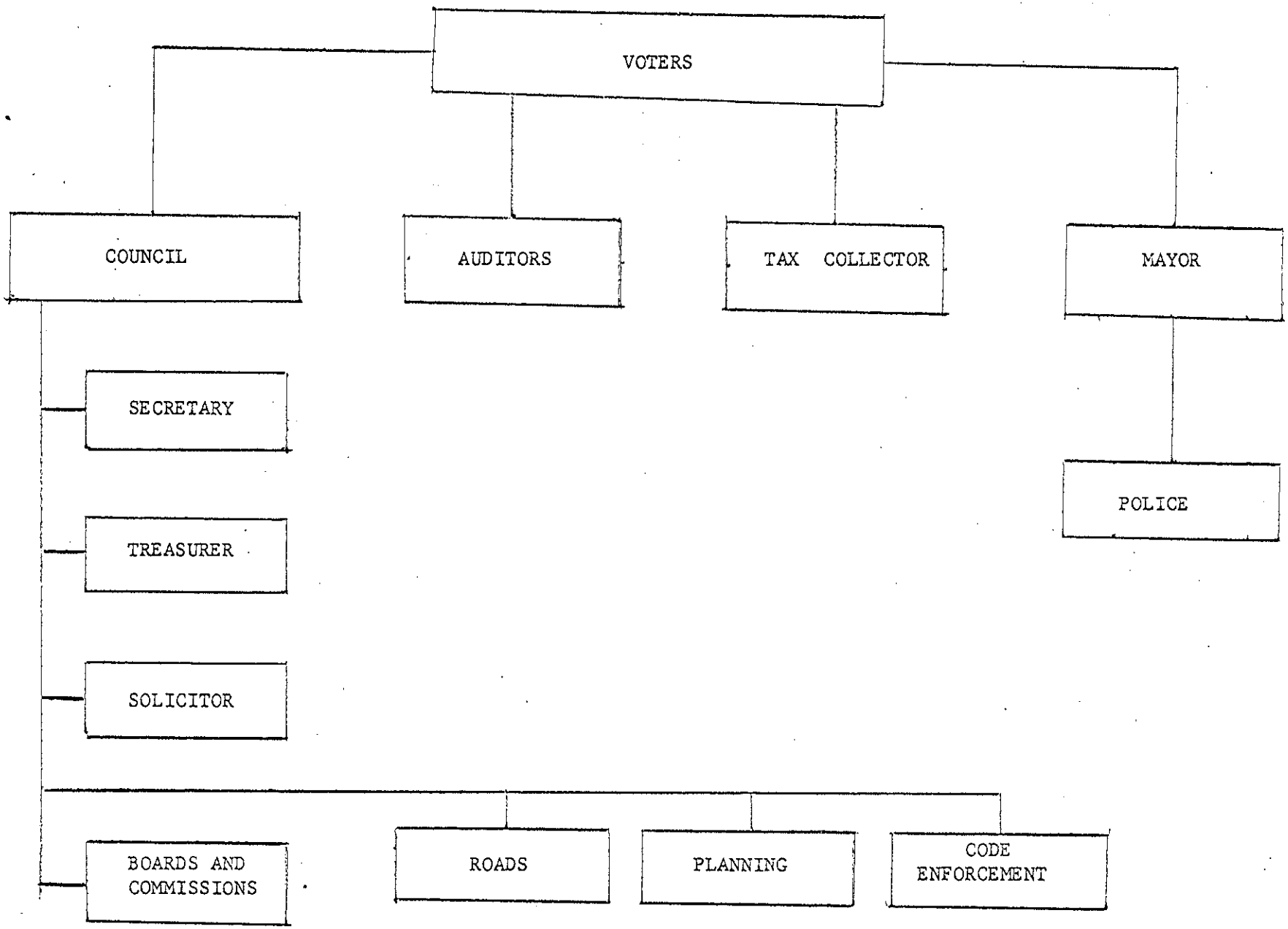
14. Requires local administration of planning, zoning, and subdivision and land development.

15. Enables the voters to adopt or repeal ordinances by use of initiative and referendum procedures.

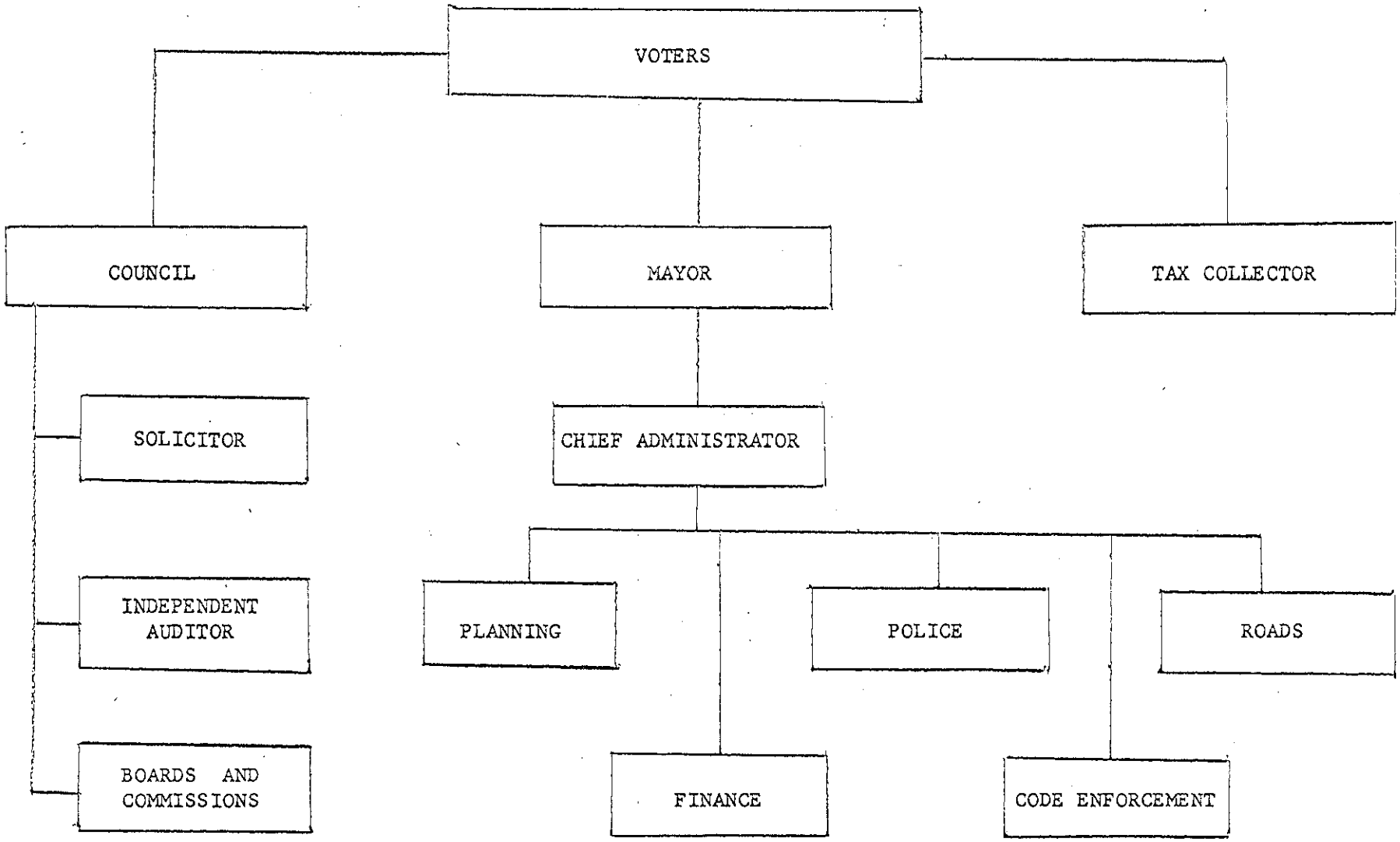
16. Requires two public hearings and the affirmative vote of six Councilmembers to create new authorities.

Because amendments can be made on the local level, the Charter provides citizens a voice in their government and the opportunity to make changes when needed.

BOROUGH OF FRANKLIN GOVERNMENT



HOME RULE CHARTER GOVERNMENT



TRANSITION STEPS FROM FRANKLIN BOROUGH TO HOME RULE CHARTER

1976	1977	1978	1979	1980	1981
MAYOR EARHART		MAYOR ELECTED NOVEMBER 1977		MAYOR ELECTED NOVEMBER 1979	
COUNCILMEMBER DOLLMAN		COUNCILMEMBER ELECTED NOVEMBER 1977			
COUNCILMEMBER FERRI		COUNCILMEMBER ELECTED NOVEMBER 1977			
COUNCILMEMBER TAYLOR		COUNCILMEMBER ELECTED NOVEMBER 1977			
COUNCILMEMBER WEBER		COUNCILMEMBER ELECTED NOVEMBER 1977			
COUNCILMEMBER CAMPBELL				COUNCILMEMBER ELECTED NOV. 1979	
COUNCILMEMBER MAXWELL				COUNCILMEMBER ELECTED NOV. 1979	
COUNCILMEMBER REDDING				COUNCILMEMBER ELECTED NOV. 1979	
TAX COLLECTOR CALLA SABOL		TAX COLLECTOR ELECTED NOVEMBER 1977			

END: → BOROUGH CODE

← START: HOME RULE CHARTER

SUMMARY AND INTENT OF MAJOR CHARTER PROVISIONS

Name of the Municipality

The name of Franklin has been retained for the Charter Municipality. It is not the intent of the Government Study Commission to rename our community.

General Powers and Provisions

The general powers and power of eminent domain are retained from Borough Code Law. The Home Rule Charter under Act 62 will confer to the government and the citizens of Franklin the right to make decisions on matters of concern locally. Under the Borough Code such decisions are prohibited unless specifically sanctioned by the Code.

The constitutionality of recall of elected officials is questionable. The Charter therefore stipulates a number of actions that require forfeiture of office. These actions include failure to perform Charter mandated duties, failure to take office after election, and conviction of a crime more serious than a summary offense.

Elected Officials

Council - The number of elected Councilmembers and the method of their election has been retained from the borough government. The number of consecutive terms of office has been limited to two. Council shall have all legislative powers including adoption of ordinances, creation of boards and commissions, adoption of the budget and levying of taxes. The Charter requires Council to adopt an Administrative Code.

Mayor - Is the elected administrative head of the municipality. The Mayor appoints a Chief Administrator and the department heads of the local government subject to Council's approval. The Charter requires the Mayor to submit to all residents an annual report on the state of the Municipality. In order to provide maximum accountability and responsiveness, the Mayor's term of office is two years, and the number of consecutive terms is limited to four.

Council retains the power of subpoena and the power to investigate the conduct of municipal offices and departments. These powers have also been extended to the Mayor.

Tax Collector - Election of the Tax Collector has been retained. Should the office become vacant, Council may transfer the function to a municipal department or another governmental unit.

Auditor - Professional auditors are appointed by Council. The auditors retain the power to investigate and subpoena all municipal employees and officials who can be surcharged for misappropriated funds.

Appointed Officials and Their Duties

Chief Administrator - The Charter requires the appointment of a Chief Administrator by the Mayor subject to the advice and consent of Council. The Administrator, who serves at the pleasure of the Mayor, prepares the annual budget and capital programs for the Mayor and the administrative report for Council. The Chief Administrator schedules work programs and oversees the personnel system, including the hiring and firing of municipal employees. The responsibility for handling citizen complaints and requests rests with the Administrator.

Solicitor - Council retains the power to appoint a solicitor, who will supervise all legal affairs of the Municipality and be chief legal advisor to Council and the Mayor.

Director of Departments - Each department (Roads, Police, etc.) shall be headed by a Director who shall be appointed by the Mayor with approval of Council. An individual may direct more than one department; i.e., the Chief Administrator may also serve as Director of a department.

Department of Finance - A Department of Finance, consolidating several existing functions, is required under the Charter. This department shall receive all monies and control all disbursements in accordance with the budget appropriations.

Administrative Code

Council is required to adopt a code which specifies all municipal departments, boards and commissions together with their powers, duties and functions. This administrative code must include a Code of Ethics. It is the intent of the Government Study Commission that the provisions for the Code of Ethics shall include, but not be limited to, guidelines concerning: a disclosure statement for all elected and appointed officials and employees specifying (a) their association with firms that may transact business with the Municipality or be affected by any municipal ordinance or resolution, and (b) real estate within the municipality with which the official or employee has a personal financial interest, and a nepotism statement.

Personnel System

Council must establish a personnel system wherein hiring and promotions are based on merit and other evidence of competence. The Charter does not diminish any existing rights or privileges of municipal employees. Labor contracts and Civil Service provisions as set by State law shall continue for present employees.

Planning

Land use planning by the Municipality is required by the Charter. If this function were not mandated by the Charter to be done by the Municipality, planning for Franklin would be done at the county level. A new feature concerning land development is the requirement of an environmental impact statement which shall include the effect of land development on such things as sanitation, traffic flow and schools.

Legislative Procedures

Unlike the Borough Code the Charter requires that a summary of every ordinance shall be published in a local newspaper in advance of action by Council.

The Charter provides that action by Council can only be taken with the affirmative vote of four members. The Borough Code stipulates that only a majority of Councilmembers present is necessary for most actions. Under the Charter, citizens are provided the right to be heard at all public meetings. Furthermore, the citizens have the right to require Council to take action on any matter by submitting a petition for action to Council.

To provide additional citizen influence on local government the Charter grants citizens the right of Initiative and Referendum. Upon petition of twenty percent (20%) of the registered electors, Council must act on the adoption of the ordinance proposed by the citizens or the repeal of an existing ordinance no longer favored by the citizens. Should Council not act in accordance with the petition, the matter shall be placed on the ballot at the next election. The results of the election shall be binding. The powers of initiative and referendum do not extend to budgeting and fiscal matters, zoning or salaries of officials or municipal employees.

Budget and Fiscal Matters

A new feature in the Charter is a capital program, to be prepared by the Chief Administrator, which shall list all proposed capital improvements and their estimated costs, to be undertaken in each of the next five years. The Mayor must submit the capital program to Council at least five months before the new fiscal year. Council shall adopt, after a public hearing, the capital program, with or without amendment, at least two months before the new fiscal year.

At least two months before the new fiscal year, the Mayor shall submit the budget and an accompanying budget message, prepared by the Chief Administrator, to Council. Unlike the Borough Code, Council shall publish a summary of the proposed budget and any proposed amendments prior to a public hearing. Council shall then adopt the budget before the new fiscal year.

The Charter limits real estate tax rates to that set by the General Assembly for Townships of the Second Class. (This limit on general purpose taxes is below the limit established for Borough Municipalities.) Unlike the Borough Code, increases in property tax rates must be approved by the electorate or six Councilmembers. (Property tax rates for the school district are set by the Board of School Directors; limits on the local earned income tax are determined by the General Assembly and do not come under the jurisdiction of the Charter.)

Because of legal constraints, the Government Study Commission could not restrict debt issues to those approved by the electorate. The Local Government Unit Debt Act requires that Council be allowed to issue debt. Therefore, the Charter limits debt issues to those approved by the electorate or by six Councilmembers.

The Charter mandates that all contracts over $1500 require competitive bidding. The Charter is more restrictive than the Borough Code as to the types of contracts exempted from competitive bidding. The Charter requires successful bidders to furnish performance and maintenance bonds; the Borough Code does not.

Authorities

It was the intent of the Government Study Commission that new authorities be created only by approval of the electorate. The Municipal Authorities Act dictates that Council be allowed to create new authorities. Therefore, the Charter mandates two public hearings and the subsequent approval of six Councilmembers to create a new authority.

Transition

The Charter provides for the continued operation of existing departments, boards, and commissions. All ordinances and resolutions in effect when the Charter takes effect shall continue in force until amended or repealed by Council. All municipal employees retain existing rights and privileges.

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ARTICLE I

NAME AND BOUNDARIES

Section 101. Name

This Municipality shall be known as the Municipality of Franklin. As used in this Charter, the word "Municipality" shall mean the Municipality of Franklin located in Westmoreland County and the Commonwealth of Pennsylvania.

Section 102. Boundaries

The boundaries of the Municipality shall be those of the Borough of Franklin in existence at the time this Charter becomes effective and as they may be lawfully changed thereafter.

ARTICLE II

POWERS OF THE MUNICIPALITY

Section 201. General Powers

The powers of the Municipality 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 Charter.

Section 202. Residual Powers

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

Section 203. 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 situate, 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 applicable law.

The Municipality shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

Section 204. Intergovernmental Relations

The Municipality may exercise any of its powers to perform any of its functions jointly or in cooperation, by contract or otherwise, with any other governmental agency.

The Mayor shall have the authority to negotiate intergovernmental cooperative agreements which shall be subject to the final ratification of Council. The Mayor shall give prior notification to Council of any intent to negotiate such agreements and shall provide Council with periodic reports of the negotiations. Council shall in no way be excluded from participation.

ARTICLE III

GENERAL PROVISIONS

Section 301. Severability

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

Section 302. Amendments

Amendments to this Charter shall be in conformity with the provisions of Act 62 of the General Assembly of 1972, and as amended from time to time.

Section 303. Publication

The term "publish" in this Charter shall mean publication in a newspaper of general circulation in the Municipality.

Section 304. Applicable Law

Wherever used in this Charter, the phrase "applicable law" shall mean a law enacted by the General Assembly of the Commonwealth of Pennsylvania and applicable to subject matter of the text where it appears.

Section 305. Conflict of Interest

No elected or appointed official or employee of the Municipality shall influence, or attempt to influence, the making of any contract or supervise in any manner or deal with any municipal matter in which such person has a financial, personal, or other special interest.

Section 306. Duty to Reveal Conflict of Interest

Any elected or appointed official or employee of the Municipality who knows, or in the exercise of reasonable diligence could know, that such person is interested financially, directly or indirectly, in any municipal contract, or who has financial, personal, or other 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 four (4) Councilmembers. When the interested official is a Councilmember, such official shall refrain from voting on said contract or municipal matter.

The provisions of this section shall not apply to cases where such official or employee 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 manner.

Section 307. Violation

Any elected or appointed official of the Municipality who shall violate the foregoing conflict of interest sections shall forfeit office, and any employee of the Municipality who violates the same shallbe dismissed.

Any such violation shall be acted upon by Council. When the violation in question concerns a Councilmember, such Councilmember shall refrain from voting on the violation.

Section 308. Restriction of Political Activity

1. No elected or appointed official or employee of the Municipality shall be an officer of a political party or be an elected or appointed committeeperson.

2. No appointed official or employee of the Municipality shall hold elected or political office of any kind.

3. No elected or appointed official or employee of the Municipality shall solicit any assessments, contributions, or services, for any political party or candidate from any employee of the Municipality.

ARTICLE IV

ELECTED OFFICIALS

Section 401. Qualifications

All elected officials shall be registered voters of the Municipality, shall have been residents continuously in the Municipality for at least one (1) year prior to filing for election, and must remain residents during their entire term of office.

Section 402. Oath of Office

Before entering on the duties of their offices, all elected and appointed officials of the Municipality shall take and subscribe an oath or affirmation as required by the Constitution of the Commonwealth of Pennsylvania.

Section 403. Prohibitions

No elected official shall hold any other elected office, nor hold any appointed office of the Municipality nor be an employee of the Municipality during the term for which the official was elected. No former elected official shall hold any compensated appointed Municipality office nor employment with the Municipality until one (1) year after the expiration of the term for which the official was elected.

Section 404. Vacancies

The office of an elected official shall become vacant upon the official's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or by the Pennsylvania Constitution, Article VI, Section 7.

Section 405. Forfeiture of Office

An elected official shall be removed from office by vote of Council if that official:

1. Lacks at any time during the term any qualification for the office prescribed by this Charter or by applicable law; or

2. Fails to perform any duty required by this Charter or commits an act prohibited by this Charter; or

3. Fails to assume office after election thereto within forty-five (45) days after the commencement of the term thereof; or

4. Is convicted of a crime more serious than a summary offense as defined by the laws of the Commonwealth of Pennsylvania.

No elected official shall forfeit office unless the holder thereof shall have been given written notice of the grounds for forfeiture and, if requested, a public hearing before Council.

ARTICLE V

COUNCIL

Section 501. Composition

There shall be a Council of seven (7) members elected at large by the qualified electors of the Municipality.

Section 502. Term of Office

The Councilmembers shall serve four (4) year terms commencing on the first Monday in January following their election. There shall be elected four (4) Councilmembers at the municipal election to be held in the year 1977 and every four (4) years thereafter and three (3) Councilmembers at the municipal election to be held in the year 1979 and every four (4) years thereafter.

Section 503. Limit of Number of Terms

No Councilmember shall be eligible to serve more than two (2) consecutive terms.

Section 504. Compensation

The initial compensation of the Councilmembers shall be fifty dollars ($50) for each Council meeting attended, with a maximum of one-hundred dollars ($100) per month. The rate of compensation may be increased or decreased by ordinance, provided that any increase shall be limited to ten percent (10%) of the compensation rate then in effect, and provided further that compensation cannot be increased more often than once in four (4) years. The compensation of Councilmembers shall not be increased or decreased during their terms of office, and no ordinance shall operate to increase or decrease the compensation of any member of Council unless adopted at least twelve (12) weeks prior to the primary election preceding the municipal election at which the member is elected.

Councilmembers 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 except liability insurance. They shall, however, be entitled to their actual expenses incurred in the performance of their duties when such expense is authorized by Council at a public meeting and included in an itemized list presented prior to payment.

Section 505. Authority

All Council authority shall be asserted by Council as a body only. No individual Councilmember shall have any authority whatsoever under this Charter unless such authority is specifically delegated by this Charter or by Council as a body.

Section 506. Legislative Powers

The legislative powers and functions of the Municipality shall be exclusively vested in and exercised by Council except as otherwise provided by this Charter.

Section 507. Powers and Duties of Council

Council shall:

1. Adopt, amend, or repeal all ordinances and resolutions provided they do not violate this Charter or the laws of the Commonwealth and United States of America.

2. Create or abolish all boards, commissions or departments except as otherwise provided by this Charter.

3. Appoint members of all boards, commissions and authorities.

4. When appropriate, receive and accept all gifts or donations of real or personal property or interest therein, in the name of the Municipality.

5. Hold public hearings on any matter in accordance with this Charter.

6. Adopt the budget in accordance with this Charter.

7. Adopt a personnel system in accordance with this Charter.

8. Set the compensation of employees of the Municipality.

9. Set the compensation of the Mayor in accordance with this Charter.

10. Set the compensation of the Tax Collector.

11. Designate the depository of monies.

12. Designate which publications of general circulation in the Municipality shall carry the legal notices of the Municipality.

13. Levy taxes.

14. Adopt and amend an Administrative Code.

15. Adopt rules of procedure for its meetings in accordance with this Charter.

16. Have any additional power needed to carry out its legislative duties.

Section 508. Filling of Council Vacancy

If any vacancy shall occur in the office of Council, for any reason whatsoever, the Councilmembers shall fill the vacancy by appointing, by resolution, a person eligible under this Charter to hold the office until a successor assumes office. Council shall publish notice of the vacancy at least fourteen (14) days prior to filling same.

In the event Council shall neglect, refuse or fail to fill any vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas, upon petition of Council or ten (10) qualified electors of the Municipality, shall fill the vacancy by appointment of an eligible person until a successor assumes office.

All officials holding office by appointment shall hold that office until the first Monday in January following the next municipal election at which a successor shall be nominated and elected for the unexpired or full term, as the case may be.

ARTICLE VI

MAYOR

Section 601. Election

The executive power of the government of the Municipality shall be vested in a Mayor who shall be elected at large by the qualified electors of the Municipality.

Section 602. Term of Office

The Mayor shall serve a two (2) year term commencing on the first Monday in January following election. A Mayor shall be elected at the Municipal Election held in November, 1977 and every two (2) years thereafter.

Section 603. Limit of Number of Terms

No person shall serve as Mayor for more than four (4) consecutive terms.

Section 604. Compensation

The initial compensation of the Mayor shall be two-hundred dollars ($200) per month. Compensation of the Mayor shall be increased or decreased at the same time, in the same manner, and the same percentage as that of Council and subject to the same limitations set in Article V, Section 504.

Section 605. Participation in Council Meetings

The Mayor shall attend all meetings of Council and take part in the discussion and deliberations.

Section 606. Approval and Veto Powers

The Mayor shall approve or veto every ordinance or resolution, except those filling vacancies in offices of elected officials, as provided in Article XVII, Section 1705.

Section 607. General Powers and Duties

The Mayor shall have the following powers and duties:

1. Preserve order in the Municipality.

2. Enforce all ordinances and regulations of the Municipality.

3. Sign all necessary papers, documents and contracts.

4. Appoint the Chief Administrator with Council's advice and consent.

5. Appoint Directors of Departments, considering recommendations of the Chief Administrator, with Council's advice and consent.

6. Present the annual budget and capital program to Council.

7. Present to Council an annual written report on the state of the Municipality.

8. Annually prepare and, after review and comment by Council, send a report to all homes in the Municipality which will recount the accomplishments of the preceding year, set forth the problems and prospects facing the community, and outline future plans for the Municipality.

9. Be recognized as the official head of the Municipality for all ceremonial purposes.

10. Act in emergencies using powers ordained by Council.

11. Have the authority to appoint and dissolve voluntary committees of interested citizens to assist and advise on issues and matters pertaining to the Mayor's office.

12. Exercise such additional powers and perform such additional duties as shall be mutually agreed upon by the Mayor and Council and which are not inconsistent with the provisions of this Charter.

Section 608. Absence of Mayor

Whenever the Mayor is absent or incapacitated, the duties of the office shall be discharged by the President of Council, or in the absence or incapacity of the President of Council, by the Vice-president of Council. The President or Vice-president of Council when acting as Mayor shall have no power to veto any proposed ordinance or resolution but shall have power to vote as a Councilmember.

Section 609. Vacancy of Mayor

If a vacancy occurs in the office of Mayor, Council may appoint one of its members to fill the vacancy, and the Councilmember's seat shall be declared vacant. If no Councilmember wishes to accept such an appointment, Council shall fill the vacancy subject to qualifications for Mayor provided in this Charter.

The appointee shall serve for the unexpired term.

Council shall publish notice of such vacancy at least fourteen (14) days prior to filling same.

ARTICLE VII

OPERATIONS AND PROCEDURES

Section 701. Organization of Council

Council shall organize on the first Monday of January of each year. At such time it shall elect one (1) of its members as president and another of its members as Vice-president who shall hold those offices at the pleasure of Council. Council, at this time, shall also appoint a temporary Municipal Secretary when necessary. If the first Monday is a legal holiday, the meeting and organization shall take place on the first day following. If a quorum is not present, the organization meeting shall be held on the earliest succeeding day at which a quorum can be assembled. Council may transact any further business it deems necessary or appropriate at the organization meeting.

Section 702. Meetings

Council shall hold regular meetings at least twice a month on such day and at such time as Council shall determine and schedule. Council may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or

adjourned meeting, a majority of the Councilmembers who are present may agree upon another date and hour for a meeting, and Councilmembers so present may continue to so agree until a meeting can be held with a quorum in attendance.

Special meetings shall be called by the presiding officer of Council upon written request of three (3) Councilmembers. Members shall have at least twenty-four (24) hours notice of special meetings unless waived. The notice shall contain a statement of the nature of the business to be considered. Presence at such special meeting constitutes waiver of notice.

All meetings of Council shall be open to the public and shall be conducted according to rules of procedure that shall be adopted by Council. Such rules shall be designed to assure full and equal participation in the deliberations of Council by all of its members.

Section 703. Quorum

Four (4) Councilmembers shall constitute a quorum. Council shall conduct no business except in the presence of a quorum.

Section 704. Form of Action

Official actions of Council shall be taken by adoption of an ordinance, 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. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance.

All final action shall be by roll call vote, and the vote of each Councilmember shall be entered in the official minutes. If any Councilmember shall abstain from voting, the reason for abstention shall be stated and shall be noted in the official minutes.

Section 705. Majority Action

No action of Council shall be effective except upon the affirmative vote of four (4) Councilmembers.

Section 706. Minutes of Proceedings

Council shall cause minutes of all its proceedings to be made and preserved in accordance with applicable law. The minutes shall be public record.

Section 707. Electronic Recordings

Council shall provide for electronic recordings of all public meetings. These recordings shall be preserved for a period of one (1) year and shall be public record.

Section 708. Agenda

The proposed agenda shall be forwarded to all Councilmembers, be available to the public forty-eight (48) hours prior to the meeting and be posted at the Municipal Office. A brief statement of each subject to be considered shall be included as a part of the agenda. The agenda may be amended prior to the meeting for good cause.

Section 709. Citizen's Right to be Heard

Council shall provide reasonable opportunity for interested citizens and taxpayers to address Council on matters of general or special concern. This opportunity shall be afforded to the public at all Council meetings and at other meetings that may be set for this purpose. Citizens' comments shall be made a part of the official minutes.

Section 710. Citizen's Petition

Whenever a petition shall be presented to Council signed by a number of residents of the Municipality equal to at least two percent (2%) of the number of registered electors in the Municipality at the time of the most recent general or municipal election, as the case may be, requesting that Council consider and take action on the subject matter of the petition, it shall be the duty of Council to place the subject matter thereof on its agenda.

Action, pro or con, shall be taken by Council at a regular or special meeting within two (2) months after receipt of the petition. The same subject matter shall not be presented to Council by petition pursuant to this section more often than one (1) time in any period of two (2) years.

Section 711. Appointments to Boards, Commissions and Authorities

All members appointed by Council to boards, commissions and authorities shall have been residents of the Municipality for at least six (6) months prior to appointment and must remain residents during their terms of appointment. Council shall publish notice of all vacancies on any board, commission, or authority at least fourteen (14) days prior to filling such vacancy. Council shall adopt procedures for citizens to apply for such vacancies and shall keep a master list of citizens interested in such.

Provisions for removal of appointed officials shall be included in the Administrative Code.

Section 712. Procedures for Public Hearings

Except as otherwise provided by applicable law, Council shall publish notice of all public hearings at least fourteen (14) days prior to such hearings and shall cause minutes of such hearings to be made and preserved.

Section 713. Public Records

All public records shall be open to inspection in the Municipal Office during regular business hours, and copies shall be available to any interested party at cost.

ARTICLE VIII

TAX COLLECTOR

Section 801. Election

The Tax Collector shall be elected at large by the qualified electors of the Municipality.

Section 802. Term of Office

The Tax Collector shall serve a four (4) year term commencing on the first Monday in January following such election. A Tax Collector shall be elected in the year 1977 and every four (4) years thereafter except as provided in Section 807 hereof.

Section 803. Compensation

The salary of the Tax Collector shall be fixed by ordinance of Council and stated in a dollar amount. The compensation of the Tax Collector shall not be increased or decreased during the term of the office, and no ordinance increasing or decreasing such compensation shall become effective unless adopted at least twelve (12) weeks prior to the primary election preceding the municipal election at which the Tax Collector is elected.

Section 804. Powers and Duties

The Tax Collector shall be responsible for the collection of all taxes levied within the Municipality. 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 applicable law.

Section 805. Bond

The Tax Collector shall provide a bond as required by Section 13, Article V b of the Local Tax Enabling Act with such additional provisions as Council may require.

Section 806. Reports to Council

The Tax Collector shall make monthly reports of tax collections to Council and shall make such additional reports pertaining to the activities of the office as Council may require. A copy of all reports shall be forwarded to the Director of Finance.

Section 807. Vacancy in Office of Tax Collector

Should the office of Tax Collector become vacant for any reason, Council or the electorate may appoint a person qualified under this Charter using the procedure in Section 508 of this Charter to fill that office; or Council may, at anytime prior to an appointment being made by the Court of Common Pleas, provide by ordinance that taxes thereafter shall be collected:

1. By a municipal department or bureau, or
2. By another governmental unit, or
3. Under agreement with one or more other municipalities, political sub-divisions, school districts or governmental units.

ARTICLE IX

AUDITORS

Section 901. Independent Audit

Council shall provide for an independent annual audit of all municipal accounts and may provide for special audits, as it deems necessary. Such audits shall be made by a person trained in accounting or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Municipality or any of its officials. Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding 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 such fiscal year.

Section 902. Powers and Duties of Auditors

1. The Auditors shall audit, settle, and adjust the accounts of all officials of the Municipality and other officials and persons receiving and disbursing or authorizing the disbursement of the monies of the Municipality during the preceding fiscal year.

2. The Auditors shall complete their audit settlement and adjustment and file copies thereof with the Chief Administrator and the Department of Community Affairs and the Pennsylvania Department of Transportation not later than ninety (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.

3. The amount of any balance or shortage, or of any expenditure of a kind or made in a manner prohibited or unauthorized by applicable law, by this Charter, or by ordinance, which causes financial loss to the Municipality, shall be a surcharge against any official against whom such balance or shortage shall appear, or who by vote, act, or neglect has permitted or approved such expenditure.

4. The Auditors shall cancel all orders and vouchers presented to them which they find have been paid by writing or stamping the word "audited" on the face thereof.

5. The Auditors shall within ten (10) days after completion of their audit, publish by advertisement, a concise financial statement of municipal fiscal matters such as to comply with the provisions of all Acts of the General Assembly relative thereto.

6. It shall be lawful for the Municipality or any taxpayer thereof, on its behalf, or any official whose account is settled or audited, to appeal from the settlement or audit, as shown on the auditor's report, to the Court of Common Pleas of the County, not later than sixty (60) days from date of publication referred to in the preceding paragraph.

   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.

7. Any balance, in any report of the Auditors, against any official of the Municipality, shall constitute a surcharge, and unless appeal is taken as heretofore provided, the Auditors shall cause same to be entered in the office of the Prothonotary as a judgment against such official in favor of the Municipality.

8. Judgments entered by the Auditors or the court, after hearing an appeal, may be enforced by appropriate proceedings, by the party prevailing.

ARTICLE X

INVESTIGATIVE, HEARING AND SUBPOENA POWERS OF COUNCIL, THE MAYOR AND AUDITORS

Section 1001. Hearings

Council, the Mayor and the Auditors shall have the power to authorize and conduct investigative hearings into the affairs of the Municipality and into the conduct of any municipal department, administrative unit, office or agency.

Section 1002. Rules

The officials aforesaid, independently, may from time to time adopt rules governing the hearing procedures subject to the provisions of Section 712 of this Charter.

Section 1003. Attendance

The officials 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 officials aforesaid, and cause the same to be served in any part of the Commonwealth of Pennsylvania in accordance with applicable law pertaining to the service of subpoenas.

Section 1004. Oaths

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

Section 1005. Penalty

If any person shall refuse or neglect to obey any subpoena issued by the official, that person shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine as may be ordained, and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days.

Section 1006. Subpoenaes, Court Proceedings

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

ARTICLE XI

CHIEF ADMINISTRATOR

Section 1101. Appointment

The Chief Administrator shall be appointed by the Mayor with the advice and consent of four (4) Councilmembers. If Council fails to confirm or reject such appointment within thirty (30) days after it is submitted to Council, such appointment shall become final. A summary of the Chief Administrator's qualifications shall be published at the time the name is submitted to Council.

Section 1102. Dismissal

The Mayor may remove the Chief Administrator after notice to Council and an opportunity is afforded to the Chief Administrator to be heard before Council. Any such hearing shall be conducted within twenty-one (21) days of the notice to Council, unless the time is extended by the Mayor. Removal may be effective upon conclusion of the hearing at the Mayor's discretion.

Section 1103. Qualifications

The Chief Administrator shall be appointed solely on the basis of executive and administrative qualifications.

Unless residency is waived by Council, the Chief Administrator must become a resident of the Municipality within one (1) year of the date of appointment.

Section 1104. Compensation

Compensation for the Chief Administrator shall be determined by Council.

Section 1105. Powers and Duties

The Chief Administrator or a designate shall have the following powers and duties:

1. Receive the complaints and requests from citizens.

2. Purchase all municipal supplies and equipment.

3. Appoint, suspend, or remove all employees of the Municipality, except as otherwise provided by this Charter or by applicable law.

4. Administer the personnel system of the Municipality.

5. Direct and supervise the administration of all departments, offices, and agencies, except as otherwise provided by this Charter or by applicable law.

6. Prepare the annual budget and capital program.

7. Develop and schedule the work programs of the Municipality.

8. Prepare an annual administrative report for Council.

9. Attend all Council meetings.

10. Perform any other duties as designated by the Mayor.

11. Serve as Municipal Secretary.

Section 1106. Acting Chief Administrator

The Chief Administrator may designate, in writing, an employee of the Municipality to exercise the duties of the Chief Administrator during a temporary absence or disability. During such absence or disability, the Mayor may revoke such designation at any time and appoint another employee of the Municipality to serve until the Chief Administrator shall return or the disability shall cease.

If the absence or disability of the Chief Administrator continues more than thirty (30) days, the Mayor shall appoint an Acting Chief Administrator with the advice and consent of Council.

Section 1107. Interference with Administration

Except for the purpose of formal inquiries and investigations, the Mayor or Council or its members shall give orders to the officials and employees of the Municipality who are subject to the direction and supervision of the Chief Administrator, solely through the Chief Administrator.

ARTICLE XII

SOLICITOR OR LAW FIRM

Section 1201. Appointment

Council shall appoint a Municipal Solicitor, on a full-time or part-time or retainer basis, for an indefinite term. The Municipal Solicitor shall be an official of the Municipality and shall hold office until the appointment is terminated by Council.

Section 1202. Qualifications

The Municipal Solicitor may be an individual, partnership, professional corporation or association. The individual or the members of the partnership, corporation or association shall be admitted to practice in all courts of the Commonwealth and such Federal Courts as necessary to perform their duties.

Section 1203. Compensation

The compensation of the Municipal Solicitor shall be as fixed by Council.

Section 1204. Scope of Authority

All of the legal affairs of the Municipality shall be under the general supervision of the Municipal Solicitor. No official or official body or agency of the Municipality may employ additional legal counsel without express authorization to do so from Council.

Section 1205. Duties

The Municipal Solicitor shall serve as the chief legal advisor to Council, the Mayor and to such other officials, departments, commissions and agencies of the Municipality as Council may designate.

Section 1206. Special Counsel

Council may employ special legal counsel in connection with any legal matter involving the Municipality or any of its officials or official bodies or agencies.

Section 1207. Access to Records

The Municipal Solicitor shall have the right of access at all times to the official records of any official, department, board or commission of the Municipality.

ARTICLE XIII

ADMINISTRATIVE STRUCTURE

Section 1301. Administrative Code

Council shall, within one-hundred twenty (120) days of its organization, adopt by ordinance an Administrative Code which shall set forth all departments, offices, agencies, boards and commissions of the Municipality, together with a description of their powers, duties and functions. The Administrative Code shall also provide a Code of Ethics to apply to all elected and appointed officials and employees of the Municipality.

The Administrative Code may contain such other rules and regulations concerning government of the Municipality as Council finds desirable or necessary.

Section 1302. Director of Departments

Each department shall be headed by a Director who shall be appointed by the Mayor, considering the recommendations of the Chief Administrator, with the advice and consent of Council.

With the consent of Council, the Mayor may appoint one person to serve as Director of two (2) or more departments, or may appoint the Chief Administrator to serve as Director of one (1) or more departments.

The Mayor may remove a Director after notice to Council and an opportunity is afforded to the Director to be heard before Council. Any such hearing shall be conducted within twenty-one (21) days of the notice to Council, unless the time is extended by the Mayor. Removal may be effective upon conclusion of the hearing at the Mayor's discretion.

ARTICLE XIV

PERSONNEL

Section 1401. General Provisions

Council shall establish by ordinance a personnel system based upon merit, which system shall not be inconsistent with any rights or benefits of employees of the Municipality.

Section 1402. Personnel System

All appointments and promotions of officials and employees of the Municipality shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The system established by Council shall include as a minimum, but not be limited to:

1. The classification of all municipal positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances.

2. A pay plan for all municipal positions.

3. Methods for determining the merit and fitness of candidates for appointment or promotion.

4. Grievance procedures, including procedures for the hearing of grievances.

5. The policies and procedures regulating reduction in force and disciplinary action, including suspension and removal of employees.

6. The hours of work, and provisions for sick and vacation leave and holidays, and provisions for overtime and compensation.

7. The policies and procedures governing persons holding provisional appointments.

8. The policies and procedures governing relationships with employee organizations.

ARTICLE XV

POLICE

Section 1501. 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 General Assembly, including those applicable to cities, boroughs and townships of the Commonwealth.

Section 1502. Special School Police

The Chief Administrator may appoint school guards who shall have the duty of controlling and directing traffic and providing for the public safety at or near schools, and who shall be in uniform and displaying their badge of authority. When on duty and in uniform, school guards shall be vested with all of the powers of Police Officers of the Municipality.

Section 1503. Auxiliary Police

Auxiliary Police may be appointed by the Mayor as provided by applicable law.

ARTICLE XVI

PLANNING, ETC.

Section 1601. Planning Administration

All administration of planning, zoning, and sub-division and land development in the Municipality shall be carried out by the Municipality.

Section 1602. Comprehensive Plan, Zoning and Subdivision Ordinances

Council shall adopt a Comprehensive Plan, Zoning Ordinance and Map, and Sub-division and Land Development Ordinance subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as now or hereafter amended, supplemented, reenacted or supplied.

The Comprehensive Plan shall serve as a guide to all future Council action concerning land use and development regulations and expenditures for capital improvements.

Section 1603. Planning Commission

Council shall appoint a Planning Commission which shall function as prescribed in Act 247.

Section 1604. Building and Plumbing Code

Council shall adopt a building and plumbing code whose minimum standards shall be no lower than Building Official's Code of America (BOCA) and its supplements.

Section 1605. Environmental Impact Statement

Council shall require proposals for land subdivisions, rezoning, projects 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 all public facilities, drainage systems, sanitary facilities, traffic flow, public safety, schools and recreation. Procedures for the environmental impact statement shall be included in the Administrative Code.

ARTICLE XVII

ORDINANCES AND RESOLUTIONS

Section 1701. Adoption by Council

Ordinances and resolutions shall be adopted only at public meetings of Council and shall require the affirmative vote of not less than four (4) Councilmembers.

Section 1702. Publication of Ordinances

Every ordinance shall be published one (1) time at least ten (10) days in advance of action by Council. The full text of the ordinance need not be published; instead the title and general summary of the substance of the ordinance will be sufficient to meet publication requirements. The full text of the ordinance shall be available at the Municipal Office.

Section 1703. General Ordinance Requirements

Every ordinance shall contain the date of its adoption and its effective date; its adoption shall be verified by the signature of the officer presiding whose signature shall be attested to by the Municipal Secretary who shall affix the official seal, provided that absence of the aforesaid signature, attestation and seal shall not invalidate an otherwise valid ordinance.

No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title.

Any ordinance which repeals or amends an existing ordinance shall set out in full the language to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

Section 1704. Actions Requiring an Ordinance

In addition to any other actions required by this Charter or by applicable law to be taken by ordinance, those actions of Council shall be by ordinance which:

1. Establish, alter, or abolish any municipal department, office, commission or agency.

2. Adopt or amend a code establishing a personnel system.

3. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

4. Levy taxes.

5. Grant, renew or extend a franchise.

6. Establish, alter or abolish rates charged for any utility or other service supplied by the Municipality.

7. Authorize the borrowing of money except loans in anticipation of taxes.

8. Purchase, convey, lease or authorize the purchase, conveyance or lease of any lands of the Municipality.

9. Amend or repeal any ordinance previously adopted.

10. Establish wages, hours or fringe benefits of employees of the Municipality.

Section 1705. Approval or Veto by Mayor

Every ordinance and resolution adopted by Council shall be presented to the Mayor for approval within five (5) days after adoption. If approval is given, the Mayor shall sign it. If approval is not given, the Mayor shall return it with written objections to Council at its next regular meeting, occurring not less than ten (10) days after

the presentation of the proposed ordinance or resolution to the Mayor; and the ordinance or resolution shall be considered vetoed. Should the Mayor not return the proposed ordinance or resolution with written objections within the required time, the ordinance or resolution shall be considered effective.

Section 1706. Overriding Mayor's Veto

Should the Mayor veto any ordinance or resolution, Council may reconsider the ordinance or resolution at its next regular or special meeting occurring not less then ten (10) days after the Mayor has returned it to Council. If at such meeting five (5) Councilmembers vote to override the veto, the ordinance or resolution shall become effective without the Mayor's approval.

Section 1707. Effective Date of Ordinances

1. Ordinances or resolutions adopted by Council and approved by the Mayor shall become effective immediately after the Mayor has signed such ordinance or resolution or at any later date specified therein.

2. Ordinances or resolutions adopted by Council but neither approved nor vetoed by the Mayor shall become effective on the day after the last day on which the Mayor can veto or approve such ordinance or resolution or at any later date specified therein.

3. Ordinances or resolutions adopted by Council notwithstanding the Mayor's veto shall become effective on the day after the day Council overrides the Mayor's veto or at any later date specified therein.

Section 1708. Recording

All ordinances and resolutions of the Municipality shall be entered in full in permanent separate record books for ordinances and resolutions. The books shall show the ordinance or resolution, the date it was adopted, date of publication and newspaper in which it was published, and the vote of each Councilmember on each ordinance and resolution. The ordinance book and resolution book shall be public record. These books shall be in the custody and control of the Chief Administrator, and all entries made therein shall be at the direction of the Chief Administrator. At the time any such ordinance is entered into the ordinance book, the same shall be codified; and a topical index shall be maintained by the Chief Administrator for such purposes.

Section 1709. Penalty Provision

The penalties for the violation of any ordinance shall be contained 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. Ordinances may provide that in the case of continuing violations, each day a violation exists may constitute a separate offense and be punishable as such. The amount ordained as penalties may be set by Council to the extent of the maximum penalty that may be levied by any non-charter municipality in the Commonwealth of Pennsylvania.

Section 1710. Standard or National Codes

Council may adopt any standard or national code concerned with building, plumbing, fire prevention or other subjects by reference thereto in the adopting ordinance. It shall not be necessary to publish, read or record such code in full but instead a brief summary of the substance of the code shall be published, read and recorded together with a statement of the place where such code is on file and may be examined. Copies of such a code shall be made available for purchase at a reasonable cost.

Section 1711. Emergency Ordinance

To meet a public emergency affecting life, health, property or the public peace, Council may adopt emergency ordinances; but such ordinances may not levy taxes, grant, renew or extend a franchise or authorize the borrowing of money. A proposed emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the adopting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance need not be published prior to adoption, but shall be published as soon as possible thereafter. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall become effective with or without the approval of the Mayor, but the affirmative vote of four (4) Councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61) day following the date on which it was adopted, but this shall not prevent the re-adoption of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

ARTICLE XVIII

BUDGET AND FISCAL MATTERS

Section 1801. Fiscal Year

The fiscal year shall begin on the first day of January and end on the last day of December unless Council shall otherwise ordain.

Section 1802. Budget Preparation and Submission

On or before the sixtieth (60th) day prior to the end of the fiscal year, the Chief Administrator shall prepare and the Mayor shall review and submit to Council a proposed budget and an accompanying message for the ensuing fiscal year.

Section 1803. Budget Message

The budget 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 Chief Administrator or Mayor deems desirable.

Section 1804. Budget Content

The budget shall provide a complete financial plan of all Municipality funds and activities for the ensuing fiscal year.

The budget shall be organized so as to use the most feasible combination of expenditure classification by fund, organization unit, program, purpose of activity and objective. The budget shall:

1. Begin with a general summary of its contents.

2. Show, in detail, all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

3. Show all proposed expenditures, including debt service.

4. Show the number of proposed employees and annual salary schedule in every job classification.

5. Be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.

6. Indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs and the methods of financing such expenditures.

7. Indicate 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 proposed expenditures budgeted shall not exceed the total of estimated income.

Section 1805. Public Record

The proposed and adopted budget shall be public record and shall be posted.

Section 1806. Notice and Hearing

Council shall publish within twenty (20) days of receipt the general summary of the budget, a summary of Council's proposed amendments to the budget, and a notice stating:

1. The times and places where copies of the general summary and budget and proposed amendments are available for inspection by the public, and

2. The time and place, not less than seven (7) days after notice and at least fourteen (14) days before adoption, of a public hearing on the budget.

Section 1807. Adoption of Budget

After the public hearing, Council may adopt the budget with or without amendment. In amending the budget, Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by applicable law or for debt service or for estimated cash deficit; but no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

Council shall adopt the budget, by resolution, on or before the last day of the last month of the fiscal year currently ending. If it 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 prorated accordingly, until such time as Council adopts a budget for the ensuing fiscal year.

Section 1808. Amendment of Budget

Council may amend the budget by resolution during the fiscal year for which the budget was adopted; provided, however, that such amendment follows a public hearing and that such amendment shall not result in expenditures exceeding the estimated income determined as of the time of the amendment. Council at all times may transfer part or all of any unencumbered appropriation balance among programs within a department.

Section 1809. Appropriations

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

Section 1810. Tax Ceiling

In fixing the rate of any municipal tax which may be now or hereafter authorized by law, Council shall abide by the limits established by the General Assembly for Townships of the Second Class. All increases in property tax rates must be approved by the electorate or by an affirmative vote of six (6) Councilmembers.

Section 1811. Debt Limitation

All debt shall be issued either by approval of the electorate or by an affirmative vote of six (6) Councilmembers.

Section 1812. 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 Chief Administrator where based upon a prior ordinance or contract. All checks or drafts of the Municipality shall be signed by the Director of Finance 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 data processing equipment when contracted for with banking institutions; and machine imprinted signatures of the proper municipal officials may be used for disbursement of municipal checks or drafts provided such imprinting machines are designed for operation only by authorized personnel.

Section 1813. Capital Program

The Chief Administrator shall prepare and the Mayor shall submit to Council a five (5) year capital program at least three (3) months prior to the final date for submission of the budget. The capital 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 five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.

3. Cost estimates, method of financing and recommended time schedule for each such improvement.

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

5. Comparison between projected and actual capital programs for the previous twelve (12) months.

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

Section 1814. Adoption of Capital Program

Council shall publish the general summary of the capital program and a notice stating:

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

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

Council, by resolution, shall adopt the capital program with or without amendment, at least sixty (60) days before the close of the fiscal year.

Section 1815. Public Record

The proposed and adopted capital program shall be public record.

Section 1816. Department of Finance

Council shall create a Department of Finance which shall administer the financial affairs of the Municipality. The Director of the Department of Finance shall be the chief fiscal officer of the Municipality and shall be appointed by the Mayor with the advice and consent of Council.

Section 1817. Duties of Director of Finance

The Director of the Department of Finance shall have the following powers and duties:

1. Receive all monies due or receivable by the Municipality, except those paid to the Tax Collector, and issue receipts therefor.

2. Deposit Municipality monies in the official depository as soon as practicable after receipt.

3. Keep accurate and complete accounts of all receipts and disbursements.

4. Annually state the Department's accounts and lay the same, together with all related books and vouchers, before the Auditors of the Municipality.

5. Disburse Municipality funds pursuant to authorizations for payment made by Council and insure that no payment is made or obligation incurred against any appropriation except in accordance with the designated budget appropriations.

6. Sign along with the Mayor all checks, drafts and other instruments which disburse municipal funds subject to the provisions of Section 1812 of this Charter.

7. Pay over all monies remaining in the Treasury and deliver all books, papers, accounts and other things belonging to the Municipality to any successor.

8. Have such other duties as the Chief Administrator shall assign from time to time.

Section 1818. Fidelity Bonds

Before entering upon the duties of their respective offices or positions, the Chief Administrator, the Tax Collector and the Director of Finance, as well as any other official, 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. The face of such bonds shall be equal to the largest amount of money which is accessible to one individual at any one time in the year (including the annual State allocation of state funds). 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 official, agent or employee of the Municipality as well as their 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 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 Solicitor. The placing of such bonds shall be determined by Council, and the premium therefor shall be paid by the Municipality. Such bonds may provide for one or more additional obligees 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 XIX

CONTRACTS

Section 1901. Competitive Bids Required

All contracts in excess of fifteen-hundred dollars ($1500), except those hereinafter mentioned, shall be entered into only with the party submitting the lowest responsible bid after competitive bidding. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service. Council may, by ordinance, increase the limit of fifteen-hundred dollars ($1500) to the extent of the maximum permitted to any non-charter municipality in the Commonwealth of Pennsylvania.

Prior to approval of any expenditure over one-hundred dollars ($100), Council shall make available a list indicating the item purchased, the name of the vendor, and the amount to be paid.

Section 1902. Bidding Procedure

Council shall establish comprehensive competitive bidding procedures as a part of the Administrative Code including, but not limited to, requirements for advertisement for bids, bid deposits, bid conditions, withdrawals, waivers, exceptions, and time limits.

Section 1903. Exceptions to Competitive Bidding

Competitive bidding shall not be required under this Charter for:

1. Labor or services rendered by any official or employee of the Municipality.
2. Contracts where the purchase sought is available from only one vendor.
3. Contracts involving the acquisition or use of real property.
4. Contracts for professional or personal services.
5. Contracts for insurance or surety company bonds.
6. Contracts necessitated by an emergency.
7. Contracts with other governmental entities, authorities, agencies or political sub-divisions.
8. Contracts negotiated under comprehensive bidding procedures by a joint municipal purchasing group of which the Municipality is a member.

In all cases where Council enters into a contract without competitive bidding, the ordinance, resolution or motion authorizing the contract shall contain a statement specifying the factual basis for invoking one of the exceptions set forth in this section.

Section 1904. Evasion of Bidding Requirements

Council shall not evade the provisions of Section 1901 herein by purchasing or contracting piecemeal for the purpose of obtaining prices under those requiring competitive bidding upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction requiring competitive bidding.

Section 1905. Bid Deposits

All bids submitted to the Municipality, when such bids are over the specified fifteen-hundred dollars ($1500), shall be accompanied by a bid deposit in the amount of twenty-five percent (25%) of the bid price quoted.

Section 1906. Performance Bonds

When competitive bidding is required, the successful bidder shall be required to furnish a bond in one-hundred percent (100%) of the contract price, guaranteeing the work to be completed, and/or the equipment supplied under such awarded contract. In those cases where it is shown that such a performance bond is not commonly available, Council may waive this requirement. The Municipality shall comply with the Public Works Contractors' Bond Law of 1967.

Section 1907. Maintenance Bonds

When competitive bidding is required, a maintenance bond shall be submitted to the Municipality naming the Municipality as Obligee in one-hundred percent (100%) of the contract price or such other amount as deemed adequate by Council to insure maintenance of all improvements, work and materials for a period of at least twenty-four (24) months or such other extended period of time as deemed necessary by Council. In those cases where it is shown that such a maintenance bond is not commonly available, Council may waive this requirement.

Section 1908. Bonds

All bonds shall be issued by a bonding company that is licensed to do business in the Commonwealth of Pennsylvania.

ARTICLE XX

INITIATIVE AND REFERENDUM

Section 2001. General Authority

Only matters of legislation may be subjected to initiative and referendum.

1. Initiative. The qualified electors of the Municipality shall have the power to propose ordinances to Council by an initiative petition in accordance with the procedures set forth herein. Should Council fail to adopt the proposed ordinance, without any change in substance, the proposed ordinance shall be placed on the ballot at a regular or special election, as provided herein, for adoption or rejection by the voters of the Municipality.

No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

The power of initiative shall not extend to the budget, or capital program or any ordinance relating to appropriation of money, zoning, levy of taxes, or salaries of officials or employees of the Municipality, or to any matter which Council itself is prohibited from legislating upon.

2. Referendum. The qualified electors of the Municipality shall have the power to require Council to reconsider any ordinance, or part thereof, in accordance with the procedures set forth herein. Should Council fail to repeal an ordinance, or part thereof, so reconsidered, the ordinance, or part thereof, shall be placed on the ballot at a regular or special election as provided herein, for the adoption or rejection by the voters of the Municipality.

The power to require reconsideration shall not extend to the budget, or capital program, any emergency ordinance, zoning or any ordinance relating to the appropriation of money, or salaries of officials and employees of the Municipality.

Section 2002. Petitioners' Committee

Any qualified elector(s) may begin initiative or referendum proceedings by filing with the Municipal Secretary an affidavit stating that said elector(s) will constitute the petitioners' committee, stating name(s) and address(es) and the address to which all notices to the committee are to be sent. The affidavit shall also include the full text of the proposed ordinance or cite the ordinance, or part thereof, sought to be reconsidered. The petitioners' committee shall be responsible for circulating the petition and for filing it in proper form within the forty-five (45) days after filing the committee's affidavit, except in the case of a referendum petition which must be filed within forty-five (45) days after adoption by Council of the ordinance, or part thereof, sought to be reconsidered. Upon the filing of the committee's affidavit, the Municipal Secretary shall issue the appropriate petition blanks if so requested by the petitioners' committee.

Section 2003. Petitions

Initiative and referendum petitions must be signed by qualified electors of the Municipality equal in number to twenty percent (20%) of the registered electors of the Municipality at the time of the most recent general or municipal election.

All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature must be executed in ink and must be followed by the address and the municipality of the person signing and the date of the signing. The full text of the ordinance, or part thereof, proposed or sought to be reconsidered must be contained within or attached to each paper of the petition throughout its circulation.

Each paper of the petition shall have attached to it when it is filed an affidavit of the circulator which states that the circulator personally circulated the paper, the number of signatures it contains, that all signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity to read the full text attached before signing the petition.

Section 2004. Certification of Petitions

Within twenty (20) days after the petition is filed, the Municipal Secretary shall certify its sufficiency specifying in exactly which ways, if any, it is deficient and shall immediately send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid

signatures may be supplemented by an additional petition which shall be filed within five (5) days after receipt of the certificate. The supplemental petition shall comply with all the requirements of Section 2003 herein. The Municipal Secretary shall certify the original and supplemental petition which shall be treated as one (1) within five (5) days after the supplemental petition is filed and shall notify the petitioners' committee in the same manner as previously set forth in this section. Should the petitioners' committee be dissatisfied with the certification of the Municipal Secretary, it may, within five (5) days of receipt of the certification, file a written request to Council to review the certification. Council shall review the certification and approve or disapprove it at its next regular meeting.

Section 2005. Suspension of Ordinance's Effect

When a referendum petition is filed with the Municipal Secretary, the ordinance, or part thereof, sought to be reconsidered shall be suspended from taking or continuing in effect. The suspension shall end when:

1. There is a final determination of the insufficiency of the petition; or
2. The petitioners' committee withdraws the petition; or
3. Council repeals the ordinance, or part thereof; or
4. The Board of Elections certifies the election results.

Section 2006. Action by Council

When any initiative or referendum petition has been finally determined sufficient, the governing body shall promptly consider the proposed initiative ordinance, in the same manner as other ordinances, or reconsider the ordinance, or part thereof, cited in the referendum petition. Should Council fail to adopt the proposed initiative ordinance without any change in substance within thirty (30) days after the date the petition was finally certified as being sufficient, or fail to repeal the ordinance, or part thereof, cited in the referendum petition within thirty (30) days after the date the petition was finally certified as being sufficient, Council shall cause the proposed or cited ordinance, or part thereof, to be submitted to the voters of the Municipality.

Section 2007. Submission to Voters

The vote of the Municipality on a proposed or cited ordinance, or part thereof, shall be at the first regular or special election at which the question can be placed on the ballot in accordance with the election laws of the Commonwealth of Pennsylvania. Copies of the proposed or cited ordinance, or part thereof, shall be made available by Council to the public at least ten (10) days before the scheduled election and at the polls.

Section 2008. Withdrawal of Petition

An initiative or referendum petition may be withdrawn by the written request of the majority of the petitioners' committee at any time prior to the deadline set by the Board of Elections for the removal of such questions from the ballot. Should a petition be withdrawn, all proceedings thereunder shall be terminated.

Section 2009. Election Results

If a majority of the votes cast on the question are in favor of the proposed initiative ordinance, the ordinance shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as those ordinances adopted by Council pursuant to this Charter.

If a majority of the votes cast on the question are in favor of repeal of the ordinance, or part thereof, cited in the referendum petition, the ordinance, or part thereof, shall be considered repealed upon certification of the election results.

The Mayor shall have no veto power in connection with initiative or referendum.

Section 2010. Repeal of Initiative Ordinance

Any initiative ordinance approved by the voters may not be amended or repealed by Council for two (2) years from its adoption.

Section 2011. Rejected Initiative Ordinance

Should any initiative ordinance be rejected by the voters, such ordinance may not again be submitted to the voters within two (2) years of the date of rejection.

Section 2012. Conflicting Items for Referendum

If conflicting ordinances, or parts thereof, are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

ARTICLE XXI

AUTHORITIES

Section 2101. Notice and Hearing

Council shall not adopt an ordinance creating any authority authorized by the General Assembly or jointly create such an authority without two (2) public hearings to be held at least thirty (30) days apart. The creation of all authorities shall require an affirmative vote of at least six (6) Councilmembers.

ARTICLE XXII

TRANSITION

Section 2201. Rights and Privileges of Employees

Nothing in this Charter shall affect or impair any right or privilege possessed by or vested in any person who shall be an employee of the Municipality on the effective date of this Charter, and the adoption of this Charter shall in no way diminish or remove any of such rights and privileges.

Section 2202. Continuation of Ordinances and Resolutions

All ordinances, resolutions and regulations of the Borough of Franklin in effect on the effective date of this Charter, and not in conflict with any provision of this Charter, shall continue in force until amended or repealed by Council.

Section 2203. Rights and Liabilities to Continue

The Municipality shall continue to own, possess, exercise and control, as the case may be, all rights, property and franchises of every kind or nature which it does on the effective date of this Charter under the same conditions that apply at such time and shall continue to be subject to all debts, obligations and liabilities to which it is subjected on the effective date of this Charter, under the same conditions that apply at such time.

Section 2204. Existing Departments and Offices

All departments, boards, commissions and offices of the Municipality in existence on the effective date of this Charter shall continue until Council provides otherwise unless contrary to this Charter.

Section 2205. Members of Authorities, Boards and Commissions

Members of authorities, boards and commissions in office on the effective date of this Charter shall remain in office for as long as their respective terms of appointment shall continue, unless and until an authority, board or commission shall be abolished, combined with another agency, or reconstituted, in which case, the members thereof shall vacate their respective offices upon notice from Council to do so.

Section 2206. Authority of Existing Elected Officers

Councilmembers in office at the time this Charter is adopted 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 Auditors appointed under this Charter. Should a vacancy in the office of elected auditor occur, the vacancy shall not be filled.

Section 2207. Temporary Municipal Secretary

On the effective date of this Charter, Council shall appoint a temporary Municipal Secretary until the Chief Administrator is appointed.

ARTICLE XXIII

SCHEDULE

Section 2301. Election to Adopt Charter

This Charter shall be submitted to a vote of the electors of the Borough of Franklin at the primary election to be held on April 27, 1976.

Section 2302. First Election

The Mayor, four (4) Councilmembers, and the Tax Collector shall be nominated and elected in 1977 in accordance with the applicable laws adopted by the General Assembly for municipal primaries and elections, and any administrative regulations promulgated under such laws.

Section 2303. Effective Date

This Charter shall become effective and shall be deemed operative on the first day of January 1978.

Section 2304. First Meeting of Council

The first meeting of Council shall be held in accordance with Section 701 of this Charter.

REPORT OF ACTIVITIES

Local government in Pennsylvania came into its own in 1968 when Article IX of the Commonwealth Constitution was amended, giving municipalities the right to frame and adopt home rule charters or optional plans of government. The Legislature implemented this amendment in 1972 by passing Act 62, "The Home Rule Charter and Optional Plans Law". Under this law, every municipality is given the opportunity to elect a commission of citizens to study and make recommendations on local government.

The Board of Supervisors of the Township of Franklin adopted Ordinance No. 98-74 as amended by Ordinance No. 102-74, which placed on the ballot on November 5, 1974, the following question:

> "Shall a government study commission of nine (9) members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government or a home rule charter; to recommend the adoption of an optional form of government; or to draft and recommend a home rule charter?"

The voters approved the question by a vote of 1,843 Yes, 1,299 No, and elected nine Study Commission members.

The members of the Commission organized on December 2,1974. Weekly meetings between December, 1974 and April, 1975, were for the purpose of hearing views of officials of neighboring municipalities, all local elected and appointed officials and employees of the Township. In addition, Commissioners attended sessions of Workshops sponsored by the Department of Community Affairs at the New Kensington campus of Pennsylvania State University and Indiana University of Pennsylvania.

In April, 1975, a questionnaire asking opinions of citizens on all phases of local government was mailed to approximately 12% of the registered voters. The questionnaire was also published in The Penn-Franklin News. The replies from this survey were carefully considered while the draft was being written.

The first phase of the Commission's task ended with a public meeting on April 22, 1975, to hear citizens' views on present Township government, the coming Borough government and what changes they would like to see made.

On May 27, 1975, the Government Study Commission voted to draft a Home Rule Charter. Soon after, a Citizens Advisory Council of 42 people, each representing a local civic, social, political or religious organization, was formed to help keep the public informed on the progress of the Charter. The Commission members spoke to most of these organizations as well as talking to high school students in their social study classes.

While drafting the Charter, the Commission continued to interview officials of Franklin and other communities which have government structures similar to the one being developed in the Charter. On November 5, 1975, a Preliminary Draft of the Charter was printed and distributed to approximately 4500 households in Franklin. On November 13, 1975, a public hearing was held to give citizens the opportunity to voice their opinion of the provisions of the Charter. Testimony taken at the hearing and letters received from concerned citizens were subsequently reviewed, and some revisions were made to the Preliminary Draft.

After changes were made and reviewed by the Commission and its Solicitor, Mr. John Means, the Charter was approved by the Commission, and the question was placed on the ballot in the Primary Election on April 27, 1976.

The Government Study Commission was indeed fortunate to have had the benefit of the interest and contributions by three citizens of Franklin, who accepted appointments to the Commission following the resignations of Robert Krause and Thomas Weiss in March, 1975. Paula Stefani and Jack Strayer were appointed to the Commission in April, 1975 to fill these vacancies. Jack Strayer subsequently resigned, and in August, 1975, Kurt Rethwisch was appointed to the Commission in his place.

PEOPLE INTERVIEWED BY THE COMMISSION

Ralph Bowen, Manager of Borough of Bethel Park
Jack Patterson, Mayor of Borough of White Oak
Joel Rosen, Citizen
Frank Witt, Councilmember from Borough of Monroeville, Past Council President and Chairman of Monroeville Government Study Commission
Al McCloy, President of Council of Borough of Forest Hills
Alex Miller, Secretary of Board of Supervisors of Hempfield Township
James Lillie, Chairman of Board of Supervisors of North Huntingdon Township
Christine Altenburger, Member of Penn Hills Government Study Commission
Edward Roberts, Chief of Police, Franklin Borough
Raymond Schafer, Assistant Road Superintendant, Franklin Township
Robert Gittings, Code Enforcement Officer, Franklin Township
Helen Kosmack, Office Manager, Franklin Township
James Earhart, Chairman of Board of Supervisors, Franklin Township, now Mayor
Arthur Wolfe, Secretary-treasurer of Board of Supervisors, Franklin Township
Wilbur Cline, Vice-Chairman of Board of Supervisors, Franklin Township
Cletus Weber, Member of Board of Supervisors, Franklin Township, now Councilmember
Thomas Dunnett, President of Volunteer Fire Department of Sardis
J. Roy Houston, President of Volunteer Fire Department of Murrysville
Charles Reilly, Member of Volunteer Fire Department of White Valley
Donald Rohaus, Auditor, Franklin Township
John Taylor, Citizen, Councilmember
Clois Fears, Citizen
James Rutter, Citizen
John Vild, Former member of Board of Supervisors, Franklin Township
Jack Strayer, Former member of Board of Supervisors, Franklin Township
Don Rager, Murrysville Fire Department
James Rumbaugh, Plum Borough resident
Calla Sabol, Tax Collector, Franklin Township
Ronald Field, Chairman of Library Board, Franklin Township
Metro Spewock, Chairman of Zoning Hearing Board, Franklin Township
William Heilman, Chairman of Planning Commission, Franklin Township
Dorothy Lankes, Executive Secretary, Planning, Franklin Township
Dr. James Townsend, Chairman of Park Commission, Franklin Township
John Burns, Citizen
Thomas Potter, Manager of Borough of Doylestown, Pa.
James Brucker, Superintendant of Sanitary Authority plant, Franklin Township
Ronald Miller, Member of FTMSA Board, Franklin Township
James Hamilton, Member of FTMSA Board, Franklin Township
Marilyn Skolnick, resident of Monroeville and Past President of League of Women Voters
James Hinson, Citizen
Henry Hudson, Solicitor, Franklin Township
Susan Greenberg, League of Women Voters
Daniel Whitehead, Citizen
Charles Beard, Citizen
Robert Young, Citizen
Lee Africa, Citizen
Judith Merrell, Citizen
Pat Bonsignore, Citizen
Robert Sexton, Citizen
Daniel Whitehead, Jr., Citizen
William Knepper, Citizen
Maury Wells, Citizen
Mary Tatka, Citizen

Marilyn Hoellen, Member of Franklin Regional School Board
Diane Hu, Citizen
Dorothy Pack, Citizen
Marylynne Maxwell, Citizen, Councilmember
John Means, Solicitor for Government Study Commission
Jane Finley, Department of Community Affairs
Lee Taddonio, State Representative from 25th Legislative District
Ralph Heckel, Manager of Borough of Churchill, now retired
Charles Cooper, Editor of Penn-Franklin News
Keith Robb, Department of Community Affairs
Walter Baskowsky, Citizen
Clinton Q. Shannon, Citizen
Ben Dalena, Citizen
Robert Elston, Member of FTMSA Board, Franklin Township
Robert Fleming, Citizen
James Campbell, Citizen, Councilmember
Paul Johrde, Citizen
Frank Feibelman, Citizen
William Ferri, Citizen, Councilmember
Walter Dollman, Citizen, Council President
Barbara Redding, Citizen, Councilmember
David Edison, Member of FTMSA Board, Franklin Township
Charles Einolf, Member of FTMSA Board, Franklin Township
Christ Walthour, Solicitor for FTMSA Board
Don Casler, Consulting Engineer for FTMSA Board

STATEMENT OF EXPENSES

The following funds have been expended by the Franklin Township Government Study Commission in the conduct of their affairs from November 1974 to February 17, 1976.

Postage		$ 198.01	
Bulk Mailing Permit and Fee 1975 and 1976		85.00	
Legal Notices -- Penn-Franklin News including the printing of the Preliminary Draft in full		936.65	
Mileage -- Workshops at Indiana University and Penn State (New Kensington Campus)		48.60	
Secretarial Services -- Julie King		737.65	
Xerox -- 9,378 @ 5¢ per copy -- Franklin Township		468.90	
Workshop Registration and Research Material		81.00	
Legal Services -- John Means, Solicitor		1,560.00	
Public Relations			
Ads in Penn Franklin	$ 56.40		
Community Letter	4.19		
Public Survey -- Printing	68.85		
Handouts for speaking engagements	4.51		
Print Newsletter -- sent to civic leaders	35.20		
Meeting with Advisory Committee	7.46		
		176.61	
Supplies			
Letterheads and envelopes	$ 36.00		
Art Supplies for Charts	14.16		
Recording Tapes -- to be sold	162.24		
Tape Recorder -- to be sold	41.75		
Rent typewriter with carbon ribbon	20.00		
Mailing Labels	12.07		
Film for Publicity	6.47		
Checkbook and Ledger	6.34		
Mimeo paper	4.72		
		303.75	
Public Meeting -- April 1975		7.50	
Public Hearing -- November 1975		18.75	
Total Expenditures			$4,622.42

Donations -- Posters for Public Hearing by Chamber of Commerce ------- $ 47.70

In addition to the above expenses the municipal government provided without charge the use of a meeting room.

The Commission is grateful to Andrew Stefani, Art Director, for his services for the graphic arts used by the Commission.

Individual Commission members provided without charge mileage, except for attendance at workshops, supplies, and telephone tolls from their personal funds, and in addition freely contributed of their professional expertise in their chosen fields. No attempt was made to value such unreimbursed costs.

The Commission anticipates additional expenses after filing this report for printing and distribution of the Charter and Report, legal fees, publicity, newsletters, and placing the question on the ballot.

Upon discharge of the Commission, any unexpended funds will be returned to the General Fund of the Borough of Franklin.

Richard T. Jones, Chairman

Harry L. Seitz

Beatrice A. Bonfiglio, Vice-Chairman

Janice E. Tylka

Shirley J. Murphy, Secretary

Kurt Rethwisch

Shirley J. Turnage, Treasurer

Paula Stefani

Dorothy Stose Lankes

Sworn and subscribed before me this 18th day of February 19 76

Robert E. Scott, District Magistrate
My commission expires 1st Mon., Jan., 1982

Robert E. Scott, Justice of the Peace
Magisterial District No. 10-3-02
Westmoreland County, Pennsylvania
My Commission Expires
1st Monday in January 1982

SMITH, HODEL & MEANS
ATTORNEYS AT LAW
SUITE 1120
GRANT BUILDING
PITTSBURGH, PENNSYLVANIA 15219

G. WALTER SMITH
JOHN M. MEANS

CHARLES F. HODEL, JR. (1917-1974)

TELEPHONE (412) 471-5645

CHESWICK OFFICE
1406 PITTSBURGH STREET
CHESWICK, PENNSYLVANIA 15024

274-9214
363-4696

TO: Government Study Commission of the Township of Franklin

FROM: John M. Means, Attorney

DATE: February 11, 1976

Ladies and Gentlemen:

I have reviewed your final Charter draft. In my opinion, your Charter does not violate any of the prohibitions, terms or conditions set forth in the Home Rule Charter and Optional Plans Law (Act 62 of 1972).

Your Charter creates a form of government permissible under Act 62 and other Acts of the General Assembly and it has no internal conflicts.

The checks and balances created within the Charter between the legislative and executive branches and the electorate are feasible and lawful.

The Charter and annexed Report are in proper condition for filing with the Municipal Secretary and the Department of Community Affairs.

John M. Means

John M. Means

JMM:tmd

CHARTER REFERENCES TO APPLICABLE LAW

The phrase "applicable law" is defined in Section 304 of the Charter as meaning a law enacted by the General Assembly of the Commonwealth of Pennsylvania and applicable to the subject matter of the text where it appears.

The Home Rule Charter and Optional Plans Law (Act 62 of April 13, 1972), Article III, Section 302(a), provides no home rule charter may give any power or authority to a home rule municipality which is contrary to, or in limitation or enlargement of powers, acts of the General Assembly which are applicable to a class or classes of municipalities on certain subjects listed in Section 302(a).

In addition, in Section 302(b)(11), it provides that no home rule municipality shall exercise powers contrary to, or in limitation or enlargement of powers granted by acts of the General Assembly which are applicable in every part of the Commonwealth.

Furthermore, Section 302(c) provides that Acts of the General Assembly enacted subsequently to the adoption of a home rule charter and which are uniform and applicable throughout the Commonwealth shall supersede any municipal ordinance or resolution on the same subject.

Thus, there are certain areas where Charter provisions will be governed by "applicable law", whether or not such applicable laws are presently enacted.

Pennsylvania's Acts of the General Assembly have never been codified but are collected by a law book publisher in a work entitled "Purdon's Pennsylvania Statutes Annotated".

This work consists of seventy-seven volumes averaging seven hundred pages per volume. No reference work is available which attempts to list those laws of the General Assembly which are applicable to home rule charter municipalities.

In Franklin's Charter, we have attempted to indicate these instances where "applicable law" does or may affect the Charter provisions.

A list of the Charter sections using the phrase "applicable law" with the reference to the specific "applicable law" follows. Where no specific law appears, the purpose is to caution the future governing body that one may exist.

Section 203 - Eminent Domain Code, Act of June 22, 1964, P.L. 84

Section 405 - CAUTIONARY

Section 706 - Municipal Records Act, Act of January 18, 1968, P.L. (1967) 961

Section 712 - Pennsylvania Municipalities Planning Code, Act 247 of 1968

Section 804 - Local Tax Collection Law, Act of May 25, 1945, P.L. 1050

Section 902(3) - CAUTIONARY. Use of money received from the Commonwealth for certain purposes (police pension plans, for example) must be used strictly for the purpose received.