

PROPOSED HOME RULE CHARTER

OF THE
CITY OF LANCASTER, PENNSYLVANIA
GOVERNMENT STUDY COMMISSION
AUGUST __, 2024

Articles approved as of August 1, 2024

Draft Preamble

Draft Article I General Powers

Draft Article II City Council

Draft Article III Mayor

Draft Article IV Controller

Draft Article V Solicitor

Draft Article VI Other Appointed Officials

Draft Article VII Ordinances

Draft Article VIII Budget and Finance

Draft FR Article IX Authorities

Draft Article X Administrative Code

Draft Article XI Petition and Referendum

Draft Article XII Ethics Commission

Draft Article XIII Transition

Preamble

We the people of the City of Lancaster, Pennsylvania aspire to establish the foundation of an accessible, ethical, and transparent government.

This charter provides for equitable representation, sound fiscal management, public health safety and welfare as well as a measure of local control.

We do ordain and ratify this Home Rule Charter for the City of Lancaster.

§ 1.01 Name and Authority

Pursuant to Home Rule Charter and Optional Plans Law, Act 177 of 1996, as amended, the City of Lancaster shall continue to be a municipal corporation of the Commonwealth of Pennsylvania under its present name and shall have and may exercise all powers and authority of local self-government and shall have complete powers of legislation and administration in relation to its municipal functions, including any additional powers and authority which may hereafter be granted to it. As used in this Charter, the word "City" shall mean the City of Lancaster in Lancaster County, Pennsylvania.

§ 1.02. Boundaries

The City's boundaries shall remain as they are on the effective date of this Charter unless otherwise changed by law.

§ 1.03. Grant of power.

The City shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania, or by this Charter.

§ 1.04. Exercise of powers.

All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by the Administrative Code, ordinances or resolutions of the City Council.

§ 1.05. Construction.

- (a) Powers. The powers of the City under this Charter shall be construed broadly in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.
- (b) 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 of this Charter, but shall be limited in its effect and operation to the particular provision involved.
- (c) Titles. In the interpretation of this Charter, the titles shall be used to explain and understand the purposes of any given chapter or section.

§ 1.06. Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, states or civil divisions or agencies thereof, or the United States of America or any division or agency thereof.

§ 1.07. Requirement to Act

Elected officials shall always act in accord with the provisions of this Charter. Upon petition, the Lancaster County Court of Common Pleas may compel elected official(s) to perform their obligations under this Charter, including budget and related tax ordinances and fee resolutions and may enter such other orders as necessary to assure the continued operation of the City and the provision of vital and necessary services.

Article II City Council**§ 201 General Powers and Duties**

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law and this Charter.

§ 202 Composition and Method of Election

The Council shall be composed of nine (9) members elected at large by the voters of the City.

§ 203 Qualifications

Only qualified voters of the City who have resided continuously in the City for the two years immediately prior to the date of the general election for Council shall be eligible to hold the office of City Councilmember.

§ 204 Election and Term of Office

The regular election of Council members shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania. The terms of Council members shall begin on the first Monday of January following the municipal general election and shall be for four (4) years.

§ 205 Requirements of Office

Prior to taking their seat on Council, each duly elected Councilmember shall take an oath of office. The format for the oath shall be "I swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I shall discharge the duties of my office with fidelity" or such other oath as Council may prescribe. The oath or affirmation may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania. No person shall be permitted to assume such office until the oath, in written form, has been filed with the City Clerk

§ 206 Council Organization

Council shall meet and organize on the first Monday of January following the regular municipal election, unless it is a legal holiday in which case the organizational meeting shall be held the first day following. At said meeting the City Clerk, or in their absence, the City Solicitor, shall call the meeting to order and call for nominations for Council President. Council shall then elect a President from its members who shall preside at its meetings and perform such other duties as Council may prescribe.

§ 207 City Clerk

At the organizational meeting City Council, by majority vote, shall appoint a City Clerk who shall give notice of Council meetings to its members and the public; take minutes of

all City Council meetings; keep the minutes of its proceedings; serve as Secretary to Council; and perform such other duties as are assigned by the Administrative Code, the Council or state law.

§ 208 Quorum

A quorum shall be five (5) members of Council physically present at the designated meeting place in order to conduct the business of Council.

§ 209 Prohibitions

A Councilmember shall not:

- (a) hold an elected office of the United States.
- (b) hold an elected office of the Commonwealth; except notaries public or officers of the militia.
- (c) hold an elected office of the County.
- (d) hold an elected office of a school district located in the City.
- (e) serve as an officer or employee of the City.

§ 210 Forfeiture of Office

A member of Council shall forfeit their office if the member:

- (a) Lacks at any time during the term of office any qualification or requirement for the office prescribed by this Charter or by law;
- (b) Violates any express prohibition of this Charter;
- (c) Is convicted during their term of office of any crime classified as a misdemeanor of the second class or higher under the laws of the Commonwealth of Pennsylvania or the United States; or be convicted of any comparable crime under the laws of any other state in the United States.
- (d) Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully.
- (e) Commits misfeasance in office, which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner.
- (f) In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council prior to the Council meeting at which such forfeiture is to be acted on in accordance with procedures set forth in the Administrative Code.

§ 211 Vacancies

- (a) The office of Council member shall become vacant upon: death of the member, resignation, removal from office in any manner authorized by law, or forfeiture of office. A vacancy in the Council shall be filled by a majority vote of the remaining members of Council.
- (b) If the Council fails to act within 45 days following the next Council meeting after the occurrence of the vacancy, the President Judge of the Court of Common Pleas of Lancaster County shall, upon petition of three members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City irrespective of political affiliation of the vacated Council member.
- (c) A person appointed under subsection (a) or (b) shall serve for the lesser of the following periods:
 - i. For the remainder of the unexpired term of the council member whose office has become vacant.
 - ii. Until the first Monday of January after the next municipal general election occurring at least two hundred days after such vacancy occurs.
- (d) The appointed individual shall meet all of the qualifications and requirements of office as provided for in this Charter and by applicable law.

§ 212 Participation by Telecommunication/Electronic Devices

A member of Council may participate in Council meetings by means of telecommunication devices, such as telephones or electronic terminals, which permits, at a minimum, audio communication between locations, if all of the following conditions apply:

- (a) A majority of the members of Council then in office is physically present at the advertised meeting place within the City and a quorum is established at the convening or reconvening of the meeting.
- (b) The telecommunication device used permits the member and members of Council physically present at the meeting to:
 - i. speak to and hear the comments and votes, if any, of the members of Council who are physically present, as well as other members of Council who may not be physically present and are also using a telecommunication device to participate in the meeting; and
 - ii. speak to and hear the comments of the public who are physically present at the meeting.

- (c) The telecommunication device used permits the members of Council and the members of the public who are physically present at the meeting to speak and hear the comments and the vote, if any, of the member or members of Council who are not physically present at the meeting.
- (d) Council may provide additional provisions for participation by telecommunication in the Administrative Code

§ 213 Compensation

- (a) Commencing on January 1, 2026, each Council member shall receive an annual salary in the total amount of \$12,000.
- (b) Council may alter by ordinance the salary of Council and such ordinance must be finally enacted at least two days prior to the last day fixed by law for candidates to withdraw their names from nominating petitions for Council. A change in the compensation of Council will not take effect until the date of the commencement of the terms of Council members next elected at the regular municipal election following adoption of the ordinance. In no event may Council pass an ordinance changing the compensation of an elected official to take effect during that elected officials' current term of office.
- (c) Council may establish by ordinance the frequency of compensation.
- (d) Council members shall be eligible to receive other benefits as deemed appropriate and included in the compensation ordinance but shall not receive additional payment for declining said benefits.
- (e) A Council member may receive reimbursement for expenses paid by them in the performance of their duties, such as parking, education, training and transportation expenses as authorized by Council.

§ 214 Procedures

- (a) Rules. Council shall determine its own rules and Order of Business. Such rules shall be designed to assure full and equal participation in the deliberations of the Council by all of its members.
- (b) Meetings. Council shall hold a regular meeting at least twice each month in the evening no earlier than 6:00 PM local time on a day and place as the Council may prescribe.
- (c) Special meetings. Special meetings may be held on the call of the President of Council or the Mayor, or by at least four members of Council, requesting in

writing to the City Clerk, at such time and place and under such conditions as the Council may prescribe by rule.

- (d) Meetings open to the public. All meetings shall be open to the public, except executive sessions as authorized by law. The public shall be notified of meetings in executive session in accordance with state law.
- (e) Official actions of the Council may 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 the Council shall be by resolution or motion, unless otherwise required by applicable law, in this Charter, or in the rules of Council procedure.
- (f) Voting. All action shall be at a public session; and shall require a majority vote of Council members participating in the meeting, except in the case of a vote to override a veto, which shall require an affirmative vote of a majority plus one of its members or except as otherwise provided by applicable law. Voting shall be by ayes and nyes except for votes on resolutions and ordinances which shall be by roll call vote and the vote of each member shall be entered into the minutes of the meeting.
- (g) The Council shall provide for keeping of minutes of its proceedings. The minutes shall be a public record and shall be maintained in the office of the City Clerk.

Article III Mayor**§ 3.01 General Powers and Duties**

- (a) The Mayor serves as the Chief Executive Officer of the City. All executive, administrative and law enforcement powers of the City shall be vested in the Mayor, except as otherwise provided by applicable law or this Charter. The Mayor shall be the official representative of City government and shall have the authority to represent the City in deliberations with other governmental bodies. The Mayor may delegate such authority to any other elected or appointed official of the City.

§ 3.02 Qualifications

- (a) Candidates for Mayor must be registered voters in the City who have resided continuously in the City for four years prior to the date of the primary election for Mayor and who are at least 18 years of age. The Mayor shall reside in the City throughout the term of office.

§ 3.03 Election and Term of Office

- (a) The regular election of Mayor shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania. The term of office of the Mayor shall begin on January 2, or if a Sunday or holiday, the first business day thereafter following the municipal general election and shall be for four (4) years.

§ 3.04 Requirements of Office

- (a) Prior to taking the office of Mayor, the duly elected Mayor shall take an oath of office. The format for the oath shall be "I swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I shall discharge the duties of my office with fidelity" or such other oath as Council may prescribe. The oath or affirmation may be taken and signed before any judge or magisterial district judge of the Commonwealth of Pennsylvania. No person shall be permitted to assume said office until the oath, in written form and executed, has been filed with the City Clerk
- (b) Required orientation for Mayor. Every Mayor, upon certification of their election to their initial full term of office, shall be required to satisfactorily complete a basic orientation on Home Rule Law, the Charter, the Administrative Code, and the Accountability, Conduct, and Ethics Code. Such course may be directed and

administered by the Office of Solicitor, with assistance from the Pennsylvania DCED, the Bar Association, the Accountability, Conduct, and Ethics Board, and any other resources the Solicitor deems appropriate. City Council shall provide sufficient funds to ensure a thorough and professional orientation.

§ 3.05 Prohibitions.

(a) A Mayor may not:

- i. hold an elected office of the United States.
- ii. hold an elected office of the Commonwealth, except notaries public or officers of the militia.
- iii. hold an elected office of the County of Lancaster.
- iv. hold an elected office of a school district located in the City of Lancaster.
- v. serve as an officer or employee of the City of Lancaster.

§ 3.06 Forfeiture of Office.

(a) An individual serving as Mayor shall forfeit their office upon Council action if the individual:

- i. Lacks at any time during the term of office any qualification or requirement for the office prescribed by this Charter or by law;
- ii. Violates any express prohibition of this Charter;
- iii. Following action by the Lancaster County Court of Common Pleas finding/declaring the Mayor incompetent and incapable of conducting their own affairs.
- iv. Is convicted during their term of office of any crime classified as a misdemeanor of the second class or higher, under the laws of the Commonwealth of Pennsylvania or of the United States, or of any comparable crime under the laws of any other state in the United States.
- v. Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully.
- vi. Commits misfeasance in office, which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner.
- vii. Has been unable to perform the duties of the office for a period of One Hundred and Twenty (120) consecutive days, as more fully set forth in Article VI Section 6.02 of this Charter referring to the provisions of the Deputy Mayor.

- (b) In all cases of forfeiture of office, and prior to action by Council to declare the office vacant, the Mayor shall be entitled to notice and a hearing before Council in accordance with administrative procedures to be established by Council.

§ 3.07 Vacancies.

- (a) The office of Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office. A vacancy in the office of Mayor shall be filled by a majority vote of the current sworn members of Council present or participating by telecommunication at a public meeting.
- (b) If the Council fails to act within 45 days following the next Council public meeting after the occurrence of the vacancy, the President Judge of the Court of Common Pleas of Lancaster County shall, upon petition of three members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City irrespective of political affiliation.
- (c) A person appointed under subsection (a) or (b) shall serve for the lesser of the following periods:
- i. For the remainder of the unexpired term of the mayor whose office has become vacant.
 - ii. Until the first Monday of January after the next municipal general election occurring at least two hundred days after such vacancy occurs.
- (d) The appointed individual shall meet all of the qualifications and requirements of office as provided for in this Charter and by applicable law.

§ 3.8 Compensation

- (a) The Mayor shall receive an annual salary as established by Council by ordinance. The salary of the Mayor may be changed by Council, but such ordinance will not take effect until the date of the commencement of the term of Mayor elected at the next regular municipal general election following adoption of the ordinance. The Mayor may also receive other benefits as deemed appropriate by Council and included in the compensation ordinance.

§ 3.9 Powers and Duties of the Mayor

- (a) Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.

- (b) Prepare and present to Council an annual budget which shall be prepared in accordance with the provisions of this Charter and Administrative Code.
- (c) Report annually to Council and the public on the State of the City.
- (d) Provide Council with all information concerning finances and general conditions of the City as may be requested by Council or as required by this Charter.
- (e) Provide proposed legislation to Council and make recommendations for action by City Council on affairs of the City.
- (f) Appoint, with the consent and approval of Council, all department heads.
- (g) Supervise all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
- (h) Appoint, suspend or remove any City employee, except as otherwise provided by this Charter or by law, and unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of City government.
- (i) Execute all bonds, notes, contracts, and written obligations of the City.
- (j) Voluntarily attend all public meetings of Council. At the request of Council, the Mayor shall appear at public council meetings. The Mayor may participate in all public discussions but have no vote, except in the case of a tie vote by Council on filling a vacancy on Council.
- (k) Issue a proclamation in writing declaring a state of emergency if the Mayor determines that a state of emergency exists.
- (l) Request that Council convene a special meeting to address and act upon necessary or unforeseen items and enable emergency powers to be more effectively utilized.
- (m) Veto any ordinance adopted by Council.
 - i. Before any ordinance takes effect, it must first be submitted to the Mayor for their signature indicating the Mayor's approval and returned to Council as signed. No ordinance or part of an ordinance shall take effect without the Mayor's signature, unless the Mayor fails to return an ordinance to the Council within ten days after submission.
 - ii. The Mayor shall sign the ordinance within 10 days if approved, but if not, shall return it to Council unsigned and stating objections in a written veto message. Council may at its next public meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of a majority plus one (1) of the current sworn members of Council.

- iii. If the Mayor fails within 10 days after any ordinance is submitted to him/her to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the ten-day period, except in the case of budget or tax levy ordinances, such ordinances shall be considered adopted at the expiration of the five (5) day period.
- (n) Perform such other duties and exercise such other powers as stated in this Charter, the Administrative Code, by applicable law, or ordinance.

Article IV Elected Controller

§ 4.01 Election & Term of Office.

The election of the City Controller shall be held in municipal elections in the manner provided by law. The term of office of the City Controller shall be four years commencing January 2, or if a Sunday or holiday, the first business day thereafter following the general municipal election.

§ 4.02 Eligibility.

The candidate for City Controller shall be at least twenty-one (21) years of age, shall have been a resident of the City for at least one year prior to the person's election, and shall reside in the City throughout the person's term of office.

§ 4.03 Qualifications.

- (a) The candidate for City Controller shall be an accountant.
- (b) Prior to being sworn into office and as a condition to qualifying for office, the elected City Controller shall present a signed affidavit to the City Clerk that states the person resides in the City and has resided in the City continuously for at least one year immediately before the person's election.
- (c) The City Controller shall give bond for the faithful performance of official duties as the City Controller. The bond shall cover the full term of office and shall be conditioned upon the following:
 - i. The accounting for and paying over of all moneys received as City Controller.
 - ii. The safekeeping and payment over of all public moneys entrusted to the Controller's care.

§ 4.04 Compensation.

The City Controller shall receive a fixed annual salary, to be set by ordinance, in an amount not less than the compensation paid to members of council.

§ 4.05 Powers and Duties.

The City Controller (and the City Controller's Office if one is so created) shall have the following powers and duties:

- (a) Have financial review of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council

and City Boards, Commissions and Agencies;

- (b) Conduct a Pre-audit and countersign all documents authorizing the payment of money from the City Treasury when an appropriation exists, proper procedures are followed, and if satisfied of the legality of the payment.
- (c) Oaths or affirmations—Administer oaths or affirmations in relation to any matter pertaining to the authentication of any account, claim or demand of or against the city.
- (d) Account examination—The City Controller may examine the following accounts:
 - i. All city accounts in which the city is either a debtor or creditor.
 - ii. The accounts of all city bureaus, officers and departments which collect, receive and disburse public money or are charged with management, control or custody of public money.
 - iii. Accounts of a city officer upon the death, resignation, removal or expiration of the term of the officer.
 - iv. Accounts of any library to which the City makes appropriations, and any institution owned by the City and any Pennsylvania National Guard units to which the City makes an appropriation.
- (e) Countersign contracts and purchase orders and ensure that procurement is performed in accordance with the Administrative Code of the City.
- (f) Review the Annual Budget before approval by City Council and make nonbinding recommendations to the Mayor and to City Council for consideration as the Controller deems necessary.
- (g) Provide a recommendation to the Mayor and Council on the selection of the Independent Auditor to conduct the annual Audit and any required Single Audits.
- (h) At the request of the Mayor or City Council conduct performance audits of the City and any City department, office, board or commission. In the performance of such audits, the City Controller, to the fullest extent allowable by law, shall be given access to any and all information and documents reasonably and actually necessary for the completion of such audits.

- (i) Report, to the Mayor and to City Council, on the progress of the implementation of any recommendations as found in the Annual Audit and Management Letter.
- (j) Assist in all audits conducted by independent auditors.
- (k) Assure the accurate and timely completion and submittal of audit reports to appropriate agencies along with appropriate follow-up recommendations.
- (l) Furnish to City Council, the Mayor, and others, as appropriate, periodic reports of audits conducted.
- (m) Interpret and communicate audit policies and procedures to all City management and staff.
- (n) Direct internal financial security and loss investigation activities.
- (o) Prepare an annual budget for the office of City Controller and operate the office of City Controller within approved budget limitations.
- (p) Issue subpoenas to obtain the attendance of officers whose accounts the City Controller is authorized to examine and any other individuals whom it may be necessary to examine as witnesses.
- (q) Present Council with annual or periodic statements concerning the results of the City Controller's examination of accounts, which shall be public records.
- (r) Undertake such other duties and responsibilities as provided for in the Administrative Code.

§ 4.06 Forfeiture of office.

The City Controller shall forfeit that office if the City Controller:

- (a) Lacks, at any time during term of office, any qualification for the office prescribed by this Charter or by law.
- (b) Violates any express prohibition of the Charter.
- (c) Is convicted, during their term of office, of a crime for misbehavior in office or for an infamous crime, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any

other state in the United States.

- (d) In any case in which a person is elected or appointed to fill the office for which a bond is required and if, within fourteen days of the date that person is scheduled to take the oath of office at the organizational meeting of council, the person fails to post a bond, the office shall be deemed to be vacant and the resulting vacancy shall be filled in the manner provided by in this Article.
- (e) In all cases of forfeiture, the City Controller shall be entitled to notice and a hearing before Council in accordance with the Administrative Code.

§ 4.07 Prohibitions.

- (a) The City Controller shall not hold any compensated appointed City office or City employment during their term of office.
- (b) The City Controller shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.
- (c) The City Controller shall not hold any compensated appointed City office or City employment until one year after the expiration of the term for which the City Controller was elected.

§ 4.08 Vacancy.

- (a) Within thirty days after a vacancy occurs in the office of City Controller or if an elected City Controller has failed to qualify pursuant to Section 4.03 prior to taking office, the City Council shall appoint a qualified person to fill the vacant office.
- (b) If City Council does not fill a vacancy within thirty days, the President Judge of the Court of Common Pleas shall fill the vacancy upon the petition of ten or more registered voters of the City.
- (c) A person appointed under subsection (a) or (b) shall serve for the lesser of the following periods:
 - i. For the remainder of the unexpired term of the controller whose office has become vacant.
 - ii. Until the first Monday of January after the next municipal general election occurring at least two hundred days after such vacancy occurs.

- (d) If necessary to fill the unexpired term of the City Controller whose office has become vacant, a person shall be elected at the municipal general election referred to in subsection (c) to serve from the first Monday of January after that election for the remainder of the unexpired term.

§ 4.09 Deputy Controller; Employees.

- (a) The City Controller may recommend and, if so, Council may appoint a Deputy Controller.
- (b) The appointed Deputy City Controller shall be a Licensed Public Accountant in the Commonwealth of Pennsylvania.
- (c) The appointed Deputy City Controller shall give bond for the faithful performance of official duties as Deputy City Controller.
- (d) The appointed Deputy City Controller shall assist the Controller in the fulfillment of the Controller's powers and duties as stated in § 4.05 above.
- (e) The City Controller may select individuals to serve as assistants and employees in the Controller's office. The number of assistants and employees permitted, if any, shall be fixed by Council. Assistants and employees in the Controller's office shall be, in all other respects, considered employees of the City and may be current employees. A Deputy Controller, assistants and employees appointed under this section shall be bonded and their compensation shall be fixed by Council.
- (f) Temporary Deputy Controller. In case of the sickness, absence or inability of a City Controller, and when no Deputy shall have been appointed by the Controller, City Council may appoint a temporary Deputy Controller to serve during the sickness, absence or inability of the Controller, or until the Controller shall appoint a Deputy. A temporary Deputy Controller shall be bonded and receive the compensation fixed by Council.

Article V City Solicitor

§ 5.01 General Powers and Duties

The City Solicitor shall be the chief lawyer of the City and shall have the direction and control of all legal matters of the City.

§ 5.02 Qualifications

The Solicitor must be a member of the Pennsylvania Bar and licensed as an attorney in Pennsylvania and experienced in municipal law. The Solicitor may be an individual or a firm.

§ 5.03 Term of Office

The Solicitor shall be appointed by the Mayor and approved by a majority vote of City Council members present at a public meeting, and shall serve for a term of four years, concurrent with that of the Mayor. The Solicitor shall be removable from office at the discretion of the Mayor, upon written notice of intention to the Council, as provided for heads of departments.

§ 5.04 Requirements of Office - Bond

Before commencing the term of office, the City Solicitor shall give bond to the City, as required by law, in an amount to be determined by Council.

§ 5.05 Compensation

The compensation of the City Solicitor shall be as determined and fixed by Council in the annual budget ordinance.

§ 5.06 Powers and Duties of the Solicitor

- (a) Represent the City with the City as the client and serve as the chief legal advisor to the Mayor, Council, and all City departments, offices and agencies with the exception of the Zoning Hearing Board which shall have independent counsel.
- (b) Oversee, as directed by resolution or ordinance, the preparation of all bonds, obligations, contracts, leases, conveyances and assurances to which the City or a City department is a party.
- (c) Oversee litigation by or against the City or a City officer, in the City officer's official capacity, including:

- i. Filing of a municipal claim or lien;
 - ii. Administrative practices.
- (d) Perform any action incident to the office which the City Solicitor may be lawfully authorized and required to do by the Mayor or by the Administrative Code, or any ordinance or resolution of Council.
- (e) The City Solicitor shall provide written opinions on questions of law submitted by any of the following:
 - i. City Council
 - ii. The Mayor.
 - iii. Any other elected City official.
 - iv. Any City official appointed by the Mayor, approved by Council and authorized to request a written legal opinion.
- (f) Council may provide for the regulation of the manner in which questions are presented to the Solicitor by any elected or appointed City official and may limit the questions submitted in the manner Council may direct.
- (g) Perform such other duties as may be required by the Mayor and/or Council, as prescribed by law, by this Charter or by the City Administrative Code.

§ 5.07 Assistant Solicitor

Council may appoint one or more assistant city solicitors to assist the City Solicitor in the performance of all duties and shall provide for the compensation of assistant solicitors by ordinance.

§ 5.08. Special Counsel.

Council may, as it deems necessary, employ the services of special legal counsel to assist the City Solicitor or to advise or represent the City or any of its officials or official bodies or agencies in any legal matter and shall provide for the compensation of special counsel by resolution.

§ 6.00 General Rule

The City shall have a Department of Administrative Services and shall have such other departments when appropriate and necessary, as Council may establish by ordinance. All of the administrative functions, powers and duties of the City, other than those vested in the office of the City Clerk and City Controller, shall be allocated and assigned among and within such departments.

§ 6.01 Appointment of officials

- (a) Each department shall be headed by a Director who shall be appointed by the Mayor with the consent and approval by a majority vote of City Council members participating at a public meeting. Each department head shall serve during the term of office of the Mayor appointing them, and until the appointment and approval of their successor. No member of City Council shall head a department.
- (b) At the time of appointment, a department head need not be a resident of the City or the Commonwealth, but during their tenure of office they may not reside outside the City unless the residency requirement is waived by a majority vote of City Council members present at a public meeting.
- (c) The Mayor may, in their discretion, remove any department head after giving a twenty (20) day notice to the department head and providing them with an opportunity to be heard. Prior to removing a department head, the Mayor shall first file written notice of the intention to remove with the Council, and the removal shall become effective twenty (20) days after the filing of Council notice. The Mayor may suspend the department head immediately if circumstances warrant.

§ 6.02 Director of Administrative Services

- (a) Upon the effective date of this Charter, the Department of Administrative Services is continued and shall be headed by a director designated as Director of Administrative Services. The Director shall be chosen solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practices in respect to the duties of the department. At the time of appointment, they need not be a resident of the City or the Commonwealth, but during their tenure of office they may not reside outside the City unless the residency requirement is waived by a majority vote of City Council members present at a public meeting.

- (b) The Director of Administrative Services shall exercise the powers and duties of the Department of Administrative Services. Under the direction and supervision of the Mayor, the Director of Administrative Services shall:
- i. Assist in the preparation of the operating and capital budgets.
 - ii. Administer a centralized purchasing system.
 - iii. Perform such duties as required under Article 10 Budget and Finance of this Charter.
 - iv. Perform such other duties as the Mayor may prescribe.

6.02 Deputy Mayor

- (a) Within 30 days following the beginning of their term, the Mayor shall designate in writing and filed with Council, a Deputy Mayor to perform the duties and functions of the office whenever the Mayor shall be prevented, by absence from the City, disability or other cause, from attending to the duties of the office. The Mayor may change the designated person at any time upon providing notice to Council. The designation does not require the advice and consent of Council.
- (b) The Deputy Mayor shall exercise all the duties of the Mayor, except the power of appointment or removal from office.
- (c) The Mayor shall notify the Council and City Clerk when the Deputy Mayor is to perform the duties and functions of the Office of Mayor. In the event that the Mayor is unable to provide notification then the Deputy Mayor shall provide notification of their designation.
- (d) The Deputy Mayor may be:
- i. the Director of Administrative Services unless the Director is not a resident of the City;
 - ii. any department director or City employee who shall be a resident of the City;
 - iii. an elected official except for the President of Council and the Controller;
 1. When serving as Deputy Mayor, an elected official or employee shall not be entitled to the salary of the Mayor but shall retain the salary authorized for the elected or employment position held at the time of designation;
 - iv. any other appointed City official, the City Clerk, or the Solicitor, each of whom shall be a resident of the City.

- (b) The Deputy Mayor may attend to the duties of the office for a period of up to sixty (60) consecutive days subject to an extension by Council for an additional sixty (60) day period approved by a majority vote of Council members present at a public meeting. The Deputy Mayor shall not serve more than a total of one hundred twenty (120) consecutive days. If following one hundred and twenty days (120) the Mayor is not able to resume the duties of their office, the office shall be forfeited and the vacancy shall be filled under the terms of Article III, Sections 3.06 and 3.07 of this Charter.

§ 7.01 Ordinances

- (a) Council shall have the authority to enact ordinances as are necessary to carry out the requirements of the duties of Council, this Charter and applicable law. Council may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances.
- (b) Every legislative act of Council shall be by ordinance and shall be signed by the Mayor and attested by the City Clerk. The legislative acts shall include but are not limited to:
- i. Adoption or amendment of an Administrative Code.
 - ii. Adoption of a Code of Ethics for elected and appointed officials, and employees of the City, subject to the provisions of Article XII, Ethics Commission, of this Charter.
 - iii. Adoption of budgets and other appropriations required by this Charter and applicable law and the related tax ordinances.
 - iv. Authorization of the borrowing or lending of money.
 - v. Adoption of ordinances proposed under the initiative power as set forth in this Charter.
 - vi. Establishment or abolishment of any City department.
 - vii. Establishment or abolishment of any City authority, board or commission.
 - viii. All matters for referendum as required by Charter.
 - ix. All actions that:
 - 1. Exercise the police power of the city.
 - 2. Establish, if not otherwise governed by the Administrative Code, procedures for the disposition, acquisition and leasing of real property.
 - 3. Regulate land use, zoning, development and subdivision.
 - 4. Impose building, plumbing, electrical, property maintenance, housing and similar standards.
 - 5. Otherwise regulate the conduct of persons within the city.
 - 6. Impose fines and penalties for the violation of ordinances.
- (c) Proposed ordinances may be introduced by motion of a Council member and be adopted by a majority of council members participating at a public meeting.

- (d) All Ordinances shall be recorded by the City Clerk in the ordinance book of the City. The Administrative Code shall provide a provision requiring the maintenance of the ordinances of the City within an ordinance book.
- (e) Nothing in this Section is intended to preclude Council from taking appropriate actions by resolution or motion not otherwise required to be in ordinance form.

§ 7.02 Resolutions.

- (a) Council may adopt resolutions for subjects not required to be in ordinance form but shall not approve a resolution in the place of an ordinance when an ordinance is required by this Charter or applicable law.
- (b) Resolutions may be adopted for subjects that include, but are not limited to, the following:
 - i. Ceremonial or congratulatory expressions of the goodwill of council.
 - ii. Statements of public policy.
 - iii. Approval of administrative rules and regulations not otherwise required to be by ordinance, and/or required or arising under Commonwealth or Federal statutes or City ordinances.

§ 7.03 Proposed ordinances and titles.

- (a) All proposed ordinances shall be presented to Council in written form and contain only one subject, which shall be reasonably identified in the title. The title shall identify the contents of the ordinance. The title of an ordinance shall not be considered in the construction or interpretation of the ordinance by a court of competent jurisdiction.
- (b) Ordinances regarding budgets and appropriations as required by this Charter or applicable law may contain multiple subjects.

§ 7.04 Reading of proposed ordinances and final enactment.

- (a) The title of every proposed ordinance shall be read at two (2) separate public meetings of Council, once when introduced and again before final enactment by Council.
- (b) Amendments or other changes to the proposed ordinance shall be read in their entirety.
- (c) After the first public reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council member and to the Mayor and shall file and make available a reasonable number of copies for public inspection in the office of the City Clerk during regular office hours.
- (d) An ordinance may not be finally enacted by Council the same day it is introduced.
- (e) A minimum of seven (7) days must intervene between the first reading and the second reading and affirmative vote of an ordinance unless applicable law or this Charter allows for a shorter time period.

- (f) Notwithstanding the provisions of Section 7.04 (e) in the case of exigent circumstances or the Mayor's declaration of a public emergency, Council may, by affirmative vote of a majority plus one of the members present at a public meeting, reduce or eliminate the period between introduction and passage of an ordinance necessary or intended to address the exigent circumstances or emergency.

§ 7.05 Publication of proposed ordinances.

- (a) Public notice of a proposed ordinance, except as otherwise provided in this Article, shall be publicized in a newspaper of general circulation or by other widely and available means and not more than 60 days nor fewer than seven days prior to enactment.
- (b) Except as otherwise required by this Charter or applicable law, the public notice of a proposed ordinance shall include the title and a summary of the ordinance in reasonable detail and a reference to a place within the City where copies of the full text of the proposed ordinance may be examined. The title may serve as the summary if it provides reasonable detail as to identify the contents and nature of the ordinance.
- (c) In the event substantive amendments are made in the proposed ordinance, after the publication of such public notice, before voting upon enactment Council shall republicize, in one newspaper of general circulation or by other widely and available means, a brief summary setting forth all provisions and amendments in reasonable detail. Council shall not take action on the amended ordinance prior to 7 (seven) days following the public notice.

§ 7.06 Voting to enact ordinances or to adopt resolutions.

- (a) Except as otherwise required by this Charter, an ordinance may not be enacted and a resolution may not be adopted without an affirmative vote of a majority of the members of Council present or participating via a telecommunication device.
- (b) Members of Council present or participating via a telecommunication device shall vote on each question before Council, except:
 - i. As may be required by the provisions of this Charter or any public official ethics law of the Commonwealth which may be applicable to members of Council.
 - ii. As may be excused for cause by a simple majority vote of the members of Council present at a Council meeting. The cause shall be recorded in the meeting minutes by the City Clerk.

- (c) An ordinance may not be altered or amended upon enactment by council so as to change the original purpose. Substantive amendments to the original stated purpose shall be by introduction of a new ordinance.

§ 7.07. Emergency ordinance.

- (a) In the instance of a mayoral declared emergency, an emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property.
- (b) An emergency ordinance shall be introduced in the form and manner prescribed for an ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Council may by a majority vote of members participating at a public meeting waive any required readings or publication requirements for the initial adoption of an emergency ordinance upon consideration of the exigency of the circumstances.
- (c) Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists. Reenactment of an emergency ordinance shall follow the form and manner for introduction, public notice, and adoption of emergency ordinances as prescribed under this Article.

§ 7.08 Effective date of legislation and Mayor veto.

- (a) Subject to the provisions of Article III Section 3.09 (j) Mayor's veto or Article XI Section 11.07 Reconsideration of Ordinances, every adopted ordinance, except for the annual budgets and related budget ordinances and except for emergency legislation, shall become effective at the expiration of twenty (20) days after passage by Council and signature of the Mayor, or passage by Council over the Mayor's veto, or at a date specified within the ordinance but not less than the period provided for citizen reconsideration of ordinances under Article XI Section 11.07 of this Charter.
- (b) No ordinance shall take effect without the Mayor's signature, unless the Mayor fails to return an ordinance to the Council within ten days after submission in which case the ordinance is deemed enacted. The veto power of the Mayor shall not apply to ordinances adopted by public referendum.

Article VIII Budget and Finance

§ 8.01. Fiscal year.

The fiscal year of the City shall be January 1 to December 31.

§ 8.02. Submission of balanced budget and capital program.

- (a) The Mayor with the assistance of the Director of Administrative Services shall prepare the proposed budget and capital program annually.
- (b) On or before the last scheduled meeting in October prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget for the ensuing year with the enacting ordinance and an accompanying budget message.
- (c) When the Mayor's budget anticipates a total tax revenue increase that is in excess of the limits under § 8.09 of this Charter, the proposed budget shall include a proposed Council resolution for a waiver of § 8.09 limits by Council majority vote of the whole plus one.
- (d) The proposed resolution under § 8.02 (c) shall be considered by Council at a public meeting on or before the first Council meeting in November.

§ 8.03. Budget message.

The budget shall be accompanied by a concise message from the Mayor, which shall include:

- (a) An explanation of all revenues and expenditures in the proposed budget, indicating and explaining major changes from the current year and the prior year.
- (b) An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.
- (c) A summary of the City's debt position.
- (d) Such other material that will inform the Council and the public of the City's goals.

§ 8.04. Budget.

The budget shall provide a complete financial plan of all City funds including the general fund, other governmental, and proprietary funds for the ensuing fiscal year in

accordance with generally accepted accounting principles. Except as required by this Charter, the budget shall be in such form as the Mayor deems desirable. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- (a) It shall begin with a general summary of its contents.
- (b) It shall show in detail on a fund-by-fund basis all estimated revenue, indicating the existing and proposed tax rates and levies, as well as other assessments, fees and charges.
- (c) It shall show all proposed expenditures on a fund-by-fund basis, for the ensuing fiscal year, detailed by offices and departments, in terms of their respective work programs and the methods of financing such expenditures.
- (d) It shall provide that proposed revenues equal or exceed proposed expenditures for each fund. The proposed budget may include the use of unrestricted fund balances on a fund-by-fund basis, subject to a fund balance policy adopted by Council.
- (e) It shall be so organized as to show comparative figures for actual and estimated revenue and expenditures for the current fiscal year and actual revenue and expenditures for the preceding four fiscal years.
- (f) In addition to proposed revenues and expenditures for the ensuing fiscal year, it shall provide on a fund-by-fund basis estimated revenues and expenditures for an additional two years detailed by offices and departments.

§ 8.05. Council action on budget.

- (a) Notice and hearing. Council shall publicize the general summary of the budget in one or more newspapers of general circulation in the municipality or in other widely and readily available forms and manners as set forth in the Administrative Code. The notice shall state:
 - i. The times and places where copies of the budget message and budget document are available for inspection by the public.
 - ii. The time(s), place(s), and date(s), not less than 7 days or more than 30 days after such publication, for one or more public hearings on the budget as set forth in the Administrative Code. The public hearing(s) shall not be on the date of a regular Council meeting, shall be at times that are intended to maximize public participation and shall be conducted in the manner set forth in the Administrative Code.
 - iii. The procedures for a public question period and for submission of written questions by the public.

- iv. The proposed budget shall be available on the first business day after introduction by Council and shall also be available electronically and at other locations as Council deems appropriate.
- (b) Public inspection. The proposed budget shall be available for public inspection at City Hall during normal business hours and printed copies shall be available to the public at a reasonable fee to be set by the Council in an amount that is no more than the cost to produce it.
- (c) Within a reasonable time following the public hearing and no less than seven (7) days prior to the adoption of the budget, the Mayor or their designee shall prepare a summary of the questions received during the public question period with relevant answers arranged by similar topic. The summary shall be publicized in a widely and readily available form and manner as set forth in the Administrative Code.
- (d) Amendment before adoption. No earlier than seven (7) days after the public hearing(s), Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or line-item amounts and may delete or decrease any programs or line-item amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated revenue. The amended budget shall reflect as nearly as possible the estimated revenues and expenditures of the city for the year for which the budget is prepared. Should the amended budget increase or reduce the estimated expenditures in the Mayor's proposed budget by more than 10% in the aggregate or more than 25% in any individual item over the Mayor's proposed budget, the amended budget shall not be enacted with any of the increases or decreases unless the budget is publicized for public inspection for a period of at least 10 days in one or more newspapers of general circulation in the municipality or in other widely and readily available forms and manners as set forth in the Administrative Code.
- (e) Adoption. Council shall adopt a budget ordinance for the ensuing fiscal year on or before December 15. If the Council fails to adopt a budget by that date, the budget proposed by the Mayor and in accord with the terms of this Charter shall be the Official Budget for the City for the ensuing fiscal year.

- (f) Mayoral Veto. The mayor shall have the authority to veto the amended budget or proposed line items within the amended budget. Within ten days after receiving the budget and related tax ordinances, the Mayor shall either:
 - i. Approve the ordinances by affixing their signature thereto; or
 - ii. Return them to Council by delivery to the City Clerk together with a statement setting forth the objections thereto or to any line item or part thereof.
- (g) Council Action on Mayoral Veto. On or after the third day following its return by the Mayor, though no later than December 31, Council may by a vote of a majority plus one of its current members override the Mayor's veto.
- (h) Council shall adopt all budget related tax ordinances no later than December 15. Ordinances adopting the budget and related tax ordinances shall not reduce the amount, category or eligible persons of any exemption from taxation granted, or available thereof as of the effective date of this Charter.

§ 8.06. Revised Budget.

General Rule. In the year following a municipal election, the Mayor or Council shall have the power to revise the budget and tax levies either adopted by the previous Council or enacted pursuant to § 8.05 (e).

- (a) Notwithstanding any other provisions of this Article, in any year following a municipal election year, the Mayor or Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies previously adopted by Council or enacted pursuant to § 8.05 (e) with the time periods adjusted to 45 days after the start of the fiscal year. A revised budget and related tax ordinances shall be adopted in final form no later than February 15 of the year following a municipal election.
- (b) Ordinances adopting a revised budget and related tax ordinances shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance and related tax ordinances then in effect.
- (c) No ordinances adopting a revised budget and related tax ordinances shall reduce the amount, category or eligible persons of any exemption from taxation granted or available thereof as of the effective date of this Charter.

§ 8.07. Amendment after adoption.

- (a) Emergency appropriations. Emergency appropriations may be made by City Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of Article VII, § 7.07 of this Charter.
- (b) Supplemental appropriations. If during the fiscal year the Mayor and Director of Administrative Services determine that there are available for appropriation revenues in excess of those estimated in the budget, the Council, by ordinance, may amend the adopted budget to make supplemental appropriations for the year for any purpose authorized by this Charter, the Administrative Code or applicable law up to the amount of such excess. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.
- (c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Mayor and Director of Administrative Services that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Mayor shall report the same to the City Council, indicating the estimated amount of the deficit, any remedial action taken by the Administration and recommendations as to other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may, by ordinance, reduce or eliminate one or more appropriations except for debt service.
- (d) Transfer of appropriations shall be made in accordance with provisions set forth in the Administrative Code.

§ 8.09. Tax Revenue Increase Limitation

- (a) The City shall not increase all sources of General Fund tax revenues by more than six (6) per centum over the preceding year. General Fund tax revenues shall be defined as all taxes as authorized for the City by applicable law and shall not include fees, regular income, grants, one-time sources, proceeds from debt issuance or revenues restricted to use for debt service, proceeds from the sale of assets, departmental and utility fees and other restricted revenues. Total tax revenues combined from said sources shall not exceed an increase of six (6) per centum over the preceding year unless Council by majority vote of the whole plus one shall, by resolution on or before the first Council meeting in November, authorize the six (6) per centum limitation to be exceeded for the forthcoming year, and those additional revenues above the six (6) per centum total tax revenue limit, notwithstanding any Council action under this section, shall not be used to determine the total tax revenue dollar limit for the succeeding year.

§ 8.10. Capital Program and Budget

General Rule. Council shall adopt by ordinance a long-range capital program that contains plans and objectives to provide for the proper acquisition, repair and provision of necessary equipment and infrastructure to insure the effective and efficient delivery of public services.

- (a) The Mayor with the assistance of the Director of Administrative Services shall prepare and submit annually to Council a five (5) year capital program report no later than June 30 of each year. Projects which will result in major additions, replacements or changes to City facilities, infrastructure, and equipment shall be included in the capital program report. Capital expenditures for equipment with a useful life of two (2) years or less shall not be included in the capital program and shall be included in the operating budget unless otherwise provided by generally accepted accounting principles.
- (b) The annual capital program report shall contain:
 - i. A clear general summary of its contents;
 - ii. A list of capital improvements which are proposed to be undertaken during the subsequent five (5) year period, with appropriate supporting information as to the necessity for such improvements;
 - iii. Cost estimates, method of financing and recommended schedules for each such improvement;
 - iv. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
 - v. The estimated annual amortization costs of any debt incurred, if appropriate.

§ 8.11. City Council action on capital program.

- (a) Notice and hearing. Council shall publicize the general summary of the capital budget in one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code with a notice stating:
 - i. The times and places where copies of the capital program message and capital program document are available for inspection by the public.
 - ii. The time, place, and date, not less than 15 days or more than 30 days after such notice, for a public hearing(s) on the capital program.
 - iii. The procedures for a public question period and for submission of written questions by the public.
 - iv. The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set

by the Council at an amount that is not more than the cost to produce it.

- (b) No earlier than seven (7) days after the public hearing and no less than seven (7) days prior to the adoption of the capital budget, the Mayor or their designee shall prepare a summary of the questions received during the public question period with relevant answers arranged by similar topic. The summary shall be publicized in a widely and readily available forms and manners as set forth in the Administrative Code.
- (c) Amendment before adoption. After the public hearing(s), Council may adopt the Capital Program with or without amendment. In amending the Capital Program, it may add or increase projects and may delete or decrease any projects by majority vote.
- (d) Adoption. Council shall adopt an annual capital program and budget no later than September 30 of the fiscal year currently ending. If Council fails to adopt a capital program by September 30, the Mayor's original capital program and budget shall become the official capital program of the City for the ensuing fiscal year and that portion of the capital budget for the ensuing fiscal year be incorporated in the ensuing fiscal year's budget.

§ 8.12. Budget and Capital Program Administration

General Rule. The Mayor shall be responsible for and, with the assistance of the Director of Administrative Services, shall supervise the administration of the annual and capital budgets.

- (a) Monthly budget reports. The Mayor with the assistance of the Director of Administrative Services shall cause to be kept and prepared and shall submit the same to the City Council at a duly advertised public meeting and made available to the public within 21 days of the end of the preceding month:
 - i. a monthly cash flow report;
 - ii. a financial statement of revenues and expenditures by department, bureau and line item, organized in a fashion corresponding to the form of the budget ordinance, showing the amount budgeted, cumulative amount collected or expended, the percent of the total line item collected or expended to date by the end of each month.
- (b) Quarterly budget review. After the end of each quarter of the calendar year, at a time and place to be set by the Council, the Mayor and such department heads as may

be necessary shall appear before the Council at a duly advertised public meeting, where the Council shall review programs, revenues and expenditures for the respective departments and bureaus and shall review the performance thereof with a view toward improving services and reducing costs.

(c) Capital Project Reporting.

- i. Current Projects. All capital projects in process shall be reported to Council by the Mayor and/or Director of Administrative Services on a quarterly basis with an update on cost, completion date, and estimated revised operating costs.
- ii. Post Capital Project Completion Report. Following completion of any capital project, a complete and detailed report shall be completed and publicized in widely and readily available forms and manners as set forth in the Administrative Code to be made available to the public. The intent of the post project report is to confirm the estimates of financing and project costs and explain any material deviation between actual and estimated financing and project costs.

§ Article IX Authorities, Boards and Commissions**§ 9.01 Establishment**

- (a) There shall be such authorities, boards, and commissions as may be established from time to time by this Charter, the Administrative Code, Council, or applicable law. Council shall encourage the participation of citizens to carry out City business through their service on its authorities, boards, and commissions. Such authorities, boards and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or shall have power and authority under City ordinance or applicable state or federal law.
- (b) Council may not change the powers or authority of any authority, board or commission except by ordinance.
- (c) Council may abolish by ordinance any authority under the applicable law. Council may abolish any board or commission established by this Charter, by ordinance of Council, or as permitted under applicable law.
- (d) All authorities created by Council have the responsibility to provide an annual report and, as applicable, independent financial audits to Council of their finances and their programs.

§ 9.02 Membership.

- (a) Appointments. The Mayor shall appoint, subject to approval with the advice and consent of Council by a majority vote of members participating at a public meeting, all members of each authority, board and commission, except as otherwise required by State or other applicable law. The Administrative Code shall provide procedures for public notice of available appointments and vacancies to encourage broad citizen participation. Said procedures shall include as a goal the representation of citizens of the City including but not limited to, geographic City residency, gender, economic, racial, ethnic and other characteristics.
- (b) Term of Office. The term of office for members of authorities, boards and commissions shall be established as provided for by this Charter, the Administrative Code, City ordinance or applicable law for the specific authority, board or commission.
- (c) Except as may otherwise be provided for in this Charter or applicable law, each member of any City board or commission shall serve until the expiration of their

term and shall continue to serve until a successor is appointed.

- (d) Vacancies. Any vacancy caused by death or resignation of a member of any City authority, board or commission shall be filled by Mayor appointment, subject to a majority vote with the advice and consent of City Council by a majority vote of members participating at a public meeting, The person so appointed shall serve for the unexpired term of the person vacating such position.
- (e) Qualifications. Members of authorities, boards and commissions shall be residents of the City unless applicable law provides otherwise, or the residency requirement is waived by a majority vote of City Council members participating at a public meeting.

§ 10.01 Administrative Code

- (a) No later than eighteen (18) months after the effective date of this Charter, the Mayor shall propose and submit to City Council at a scheduled Council meeting an Administrative Code for the City government consistent with the provisions and purpose of this Charter. Council shall adopt an Administrative Code by ordinance, with or without amendments, within sixty (60) days after its submission by the Mayor.
- (b) In the event that Council fails to adopt an Administrative Code within eighteen (18) months of the effective date of this Charter, the City shall operate under the provisions of the Third Class City Code and Optional Third Class City Plan A law, as applicable, to the extent they are not inconsistent with this Charter or until such time as an Administrative Code is adopted.
- (c) Council may amend the Administrative Code only by the ordinance adoption procedures in Article VII of this Charter.

§ 10.02 Contents

- (a) The Administrative Code shall set forth a plan for the organization, administrative structure, procedures, and operations of the City government. The Administrative Code shall include, but shall not be limited to, the following:
 - i. An enumeration of the departments, offices, authorities, boards, commissions, and other administrative units of the City government, their scope of responsibility, and the internal procedures for their operations.
 - ii. Budgeting, accounting and other financial procedures.
 - iii. Purchasing and acquisition procedures.
 - iv. Policies and procedures governing personnel policies, position descriptions, employee recruitment, selection, orientation, training, benefits, promotion, discipline and discharge,
 - v. Any other policies, practices, and procedures desirable for the efficient and effective administration of City government.

§ 11.01 General Rule

- (a) Ordinance Consideration and Referendum. The electors of the City shall have the right to petition City Council for consideration of a proposed ordinance. If Council does not adopt the proposed ordinance, electors of the City shall have the ability to adopt the proposed ordinance through referendum at a primary, municipal or general election. A proposed ordinance may be brought to Council through ordinance petition only once in a 12-month period commencing upon final action of Council.
- (b) Ordinance Reconsideration and Referendum. The electors of the City shall have the right to petition City Council to require reconsideration of any adopted ordinance. If Council fails to repeal an ordinance upon reconsideration, the voters of the City shall have the ability to repeal the ordinance at a primary, municipal or general election.
- (c) Citizen's Petition to Call Special Meetings of Council or Agenda Items. The electors of the City shall have the right to call a special meeting of City Council or to request an agenda item for consideration at a public Council meeting.

§ 11.01 Ordinances that Require Referendum Approval of Electorate.

Any proposed ordinance authorizing the City to:

- (a) enter into an agreement to sell any City owned and operated Pennsylvania Public Utility Commission regulated public utility system (including any portions thereof that are not regulated by the Pennsylvania Public Utility Commission) to a non-governmental entity.
- (b) Terminate, disband, or eliminate funding for, either or both of the Departments of Police and Fire.
- (c) Eliminate the Department of Administration or any department required by this Charter.

shall be required to be placed on the ballot as a referendum of the electors for their approval or disapproval at the next primary, municipal or general election held at least ninety days after introduction of the proposed ordinance.

§ 11.02. Limitations on Petition and Referendum.

- (a) Referendum powers shall not extend to the adoption or amendment of the budget ordinances for the General Fund, capital, or other funds and the tax levies and fees contained therein; the long range operational, fiscal, and capital

plan; the Administrative Code; the personnel code; annual tax levy ordinances; any ordinance fixing the salaries of elective City officials or City employees; authorizing emergency loans; relating to zoning and land use regulations; exercising the power of eminent domain; any ordinance related to or adopted in response to an existing declaration of emergency; any ordinance for the opening, paving, grading or other improvement of streets or highways, when the improvement is petitioned for by a majority in number or interest of the abutting property owners; or any ordinance for which the procedures for adoption or amendment may be established by applicable law.

- (b) The Council shall take no action to repeal or substantively change an ordinance adopted or repealed by referendum for a period of two years from the date of the election at which the ordinance was approved or repealed.
- (c) Any proposed ordinance or reconsidered ordinance which is rejected by the qualified voters in an election cannot be resubmitted for petition and referendum for a period of two years from the date of the election where the ordinance was defeated.
- (d) No more than two ordinances by certified petition and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two ordinances by petition and the first two referendum measures which are determined sufficient shall be placed on the ballot measured by the date of final approval of the petition.

§ 11.03. Initiating Ordinances by Electors

- (a) A proposed ordinance may be submitted to City Council by a petition signed by the electors of the City, as hereinafter provided, except:
 - i. Proposed ordinances relating to any matter, subject to the limitations on a referendum vote as provided in Section 11.02 of this article; or
 - ii. Proposed ordinances to repeal, amend, or modify any ordinance which has been subject to the limitation provisions of a referendum as provided in Section 11.02 of this article.
- (b) A request to the City Clerk for the preparation of a petition for the submission of a proposed ordinance to Council shall be made by written request of five qualified electors of the City. The request shall be accompanied by a copy of the proposed ordinance. The City Clerk shall, within ten days after receiving the request, do each of the following:
 - i. Prepare the requested petition.
 - ii. Publicize a notice at least one time in one or more newspapers of general circulation in the City or in other widely and readily available forms and

manners as set forth in the Administrative Code that provides, at a minimum, the purpose for which the petition is made, the date on which the request for the petition was received, and that the petition will be ready for circulation and signing at the expiration of ten days from that date.

- (c) The five qualified electors shall constitute the Petitioners Committee and be responsible for circulating the petition for consideration of an ordinance and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed ordinance. Upon the expiration of the ten days, the City Clerk will provide the requested petition to the Petitioners Committee for circulation.

§ 11.04 Requirements for Petitions Initiating Ordinances by Electors

- (a) Number of signatures. Petitions to initiate an ordinance must be signed by City electors comprising twenty (20) per centum of the number of City electors voting for mayor at the last preceding municipal election at which a mayor was elected.
- (b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature line shall be executed in ink or indelible pencil and shall include the printed name, signature and address of the person signing and the date signed. Petitions shall contain or have attached, throughout their circulation, the full text of the proposed ordinance.
- (c) Affidavit of circulator. Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the proposed ordinance.
- (d) Time for circulation and filing petitions. Petitions must be circulated, signed and filed within forty-five (45) days after the issuance of petition blanks by the City Clerk under Section 11.03 Petition Procedures of this Charter.

§ 11.05 Procedure after Filing of Petition Initiating Ordinances by Electors.

- (a) Within 20 days after the petition to initiate an ordinance is filed, and following review and a determination of its sufficiency, the City Clerk shall complete a certificate as to its sufficiency and promptly send a copy of such certificate to the Petitioners' Committee by registered mail and to City Council. If the

petition is determined to be insufficient, the particulars specifying what is defective shall promptly be sent, with a copy of the certificate of insufficiency, to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended one time by the Petitioner's Committee. In order to do so, the Petitioners' Committee must file an amended petition complying with the requirements of Section 11.04 within 10 days after receiving the copy of certificate of insufficiency. Within five days after the amended petition is filed, the City Clerk shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to request Council review under Subsection (b) of this section within the time required, the City Clerk shall promptly present the certificate of insufficiency to the Council.

- (b) Council Review. If a petition to initiate an ordinance has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Petitioners' Committee may, within five days after receiving the copy of such certificate, file a request with the City Clerk that the certificate of the petition or amended petition be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) Court review. A final determination as to the insufficiency of a petition or amended petition to initiate an ordinance shall be subject to Court of Common Pleas of Lancaster County review upon filing of a petition by the Petitioner's Committee with the same. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (d) Action by Council. When a petition to initiate an ordinance has been finally determined to be sufficient, Council shall promptly consider the proposed ordinance in the manner provided in Article VII, Ordinance & Resolutions, of this Charter. If the Council fails to adopt a proposed ordinance without any change in substance within 60 days of the certificate of sufficiency, the proposed ordinance shall be submitted for consideration to the voters of the City.

- (e) Submission to voters. If the petition to initiate an ordinance is deemed sufficient and following the Council's lack of action thereon, the question shall be placed on the ballot at the next primary, municipal or general election occurring at least 90 days after the expiration of Council's time to act or judicial approval of the petition. Copies of the proposed ordinance shall be publicized in one or more newspapers of general circulation in the City or in other widely and readily available forms as defined in the Administrative Code and made available to the public during regular business hours at City Hall.
- (f) Withdrawal of petitions. A petition to initiate an ordinance may be withdrawn at any time prior to the 45th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated.

§ 11.06. Results of election initiating ordinances by electors.

If a majority of the qualified voters of the City vote in favor of a proposed ordinance, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

§ 11.07. Reconsidering Ordinances by Electors

- (a) With the exception of ordinances dealing with the subjects set forth in §11.02 and ordinances adopted prior to the effective date of this Charter, citizens will have the right to petition the repeal of an ordinance through action by Council or to repeal an ordinance through referendum. An ordinance may not be subject to more than one certified petition for reconsideration.
 - i. Ordinance presently in effect and operation. The procedures for requesting the preparation and filing of a petition under this article shall not cause the suspension of an ordinance presently in effect and operation. Said ordinance shall remain in effect and in force for the duration of the process of reconsideration; or until repealed by action of Council; or by referendum result.

- ii. Newly adopted Ordinances. The initiation of procedures for preparation and filing of the petition under this article shall cause a stay of the effect and operation of the newly adopted ordinance for the duration of the process of reconsideration unless the petition fails to receive a certificate of sufficiency under §11.09; or until repealed by action of Council; or by referendum result; or by withdrawal of the petition.
 - iii. A request for preparation of a petition under provisions of §11.07 (b) must be made within twenty (20) days following the adoption of an ordinance. If an ordinance is effective in less than twenty (20) days due to operation of applicable law, a request for preparation of a petition filed within the period provided by applicable law shall cause said ordinance to be stayed in effect and operation.
- (b) A request to the City Clerk for the preparation of a petition for the reconsideration of an adopted ordinance to City Council shall be made by written request of five qualified electors of the City. The request shall be accompanied by a copy of the ordinance to be reconsidered. The City Clerk shall, within ten days after receiving the request, do each of the following:
- i. Prepare the requested petition.
 - ii. Publicize a notice at least one time in one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code that provides, at a minimum, the purpose for which the petition is made, the date on which the request for the petition was received, and that the petition will be ready for circulation and signing at the expiration of ten days from that date.
- (c) The five qualified electors shall constitute the Petitioners Committee and be responsible for circulating the petition for reconsideration of an adopted ordinance and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed ordinance. Upon the expiration of the ten days, the City Clerk will provide the requested petition to the Petitioners Committee for circulation.

§ 11.08 Requirements for Petitions Reconsidering Ordinances by Electors

- (a) Number of signatures. Petitions for the reconsideration of an ordinance by electors must be signed by City electors comprising twenty (20) per centum of the entire vote cast for all candidates for mayor at the last preceding municipal election at which a mayor was elected.
- (b) Form and content. All papers of a petition for the reconsideration of an ordinance by electors shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature line shall be executed in ink or indelible pencil and shall include the printed name, signature and address of the person signing and the date signed. Petitions shall contain or have attached, throughout their circulation, the full text of the ordinance to be reconsidered.
- (c) Affidavit of circulator. Each paper of a petition for the reconsideration of an ordinance by electors shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance to be reconsidered.
- (d) Time for circulation and filing petitions. Petitions must be circulated, signed and filed within 45 days after the issuance of petition blanks by the City Clerk under Section 11.07 of this Charter.

§ 11.09 Procedure after Filing of Petition for reconsidering ordinances by electors.

- (a) Within 20 days after the petition for the reconsidering of an ordinance by electors is filed, and following review and a determination of its sufficiency, the City Clerk shall complete a certificate as to its sufficiency and send a copy of the certification to the Petitioner's Committee by registered mail and to City Council. If the petition is determined to be insufficient, the particulars specifying what is defective shall promptly be sent, with a copy of the certificate of insufficiency, to the Petitioners' Committee by registered mail. A petition for the reconsideration of an ordinance by electors that is certified insufficient for lack of the required number of valid signatures may be amended one time by the Petitioner's Committee. In order to do so, the Petitioners' Committee must file an amended petition complying with the requirements of Section 11.08 within 10 days after receiving the copy of certificate of insufficiency. Within five days after the amended petition for the reconsideration of an ordinance by electors is filed, the City Clerk shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the Petitioners'.

Committee by registered mail as in the case of an original petition. If a petition or amended petition for the reconsideration of an ordinance by electors is certified insufficient and the Petitioners' Committee does not elect to request Council review under Subsection (b) of this section within the time required, the City Clerk shall promptly present the certificate of insufficiency to the Council.

- (b) Council Review. If a petition for the reconsideration of an ordinance by electors has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Petitioners' Committee may, within five days after receiving the copy of such certificate, file a request with the City Clerk that the certificate of the petition or amended petition be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) Court review. A final determination as to the insufficiency of a petition or amended petition shall be subject to Court of Common Pleas of Lancaster County review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (d) Action by Council. When a petition for the reconsideration of an ordinance petition has been finally determined to be sufficient, Council shall promptly consider the ordinance to be reconsidered in the manner provided in Article VII, Ordinance & Resolutions. If the Council fails to reconsider the ordinance without any change in substance within 60 days of the certificate of sufficiency, the ordinance to be reconsidered shall be submitted for consideration to the voters of the City.
- (e) Submission to voters. If the petition for the reconsideration of an ordinance by electors is deemed sufficient and following the Council's lack of action thereon, the question shall be placed on the ballot at the next primary, municipal or general election occurring at least 90 days after the expiration of Council's time to act or judicial approval of the petition. Copies of the ordinance to be reconsidered shall be publicized at least one time in one or more newspapers of general circulation in the City or in other widely and readily available forms as defined in the Administrative Code and made available to the public during regular business hours at City Hall.
- (f) Withdrawal of petitions. A petition for the reconsideration of an ordinance by electors may be withdrawn at any time prior to the 45th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four members of the Petitioners' Committee. Upon

the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated.

§ 11.10. Results of election for reconsidering ordinances by electors.

- (a) If a majority of the qualified voters of the City vote in favor of repealing the ordinance to be reconsidered, it shall be considered repealed upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind repealed by Council.

§ 11.11. Petition to call a special meeting of City Council.

- (a) The electors of the City, upon filing a signed petition with the City Clerk, may require the City Council to:
 - i. Hold a special meeting to address one agenda item comprised of a single topic at a special public meeting of Council and limited to once per calendar year per item;
 - ii. Require the placing of an agenda item at a specified public meeting of Council comprised of a single topic at a specified public meeting of Council and limited to once per calendar year. Said agenda item must be the first item considered by Council at the specified meeting.
- (b) The petition filed with the City Clerk must contain the printed name, signature and address of registered electors of the City and must total three (3) per centum of the of the entire vote cast for all candidates for mayor at the last preceding municipal election at which a mayor was elected and the purpose for which the meeting is being called. The City Clerk shall within five (5) business days of receipt of the petition review and if found to be complete certify the petition as being complete. The City Clerk shall then notify the President of City Council of the certified petition. The President of City Council shall then either convene the special meeting on the agenda item to begin after 6:00 PM on a weekday evening within 14 days of the certification or place the agenda item on the Council agenda for the next public meeting held after the petition's certification.
- (b) The public notification process of the special meeting of Council shall be as specified by this Charter, the Administrative Code and applicable law.

ARTICLE XII Ethics Commission

§ 12.01. Establishment of an Ethics Commission

An independent Ethics Commission shall be established. The Ethics Commission shall exercise its authority over City officials elected and appointed, City staff, City vendors and vendor subcontractors.

No member of the Ethics Commission during their term of service may hold appointed office or elected office in City government for up to one year prior to serving on the Commission or hold any political party office or political action committee position for one year prior to serving on the commission. The Ethics Commission shall be charged with education sufficient to provide information on compliance with and awareness of the Commissions functions. It shall also be charged with investigation and enforcement of the City's Code of Ethics.

§ 12.02. Terms and Qualifications of Commission Members

- (a) Candidates for appointment to the Ethics Commission shall apply to be placed on a public register of nominees to serve on this Commission through nomination from themselves or others.
- (b) The Ethics Commission shall consist of seven city residents holding terms of 3 years. Initial term lengths will be staggered to ensure an ongoing process of new Commission members. The members shall be appointed two members (2) by the Mayor, three (3) by the city council and two (2) by the City Controller.
- (c) Appointments will be made with consideration to a Commission membership which reflects the City's diversity in regard to race, color, creed, religion, gender, familial status, sexual orientation, national origin, gender identity, age, disability and geographic location of residence.
- (d) Any member of the Ethics Commission may be removed for good cause by the Mayor with the consent of a vote of a majority of the City Council or for good cause when requested by the majority of the Commission plus the majority of the Council. Members of the Ethics Commission shall maintain City residency throughout the term of service and shall forfeit their office upon cessation of City residency.

§ 12.03. Adoption of a Code of Ethics

- (a) Within one year of the effective date of this Charter, City Council shall adopt and enact, by ordinance, a City Code of Ethics which shall apply to all elected and appointed City officials, officers of the City, and City employees. The Code of Ethics will be based on recommendation by the Ethics Commission for which a public workshop will be held to discuss the recommendations prior to their adoption.

- (b) As a general rule the Code of Ethics shall provide that no City elected or appointed official or City employee, whether paid or unpaid, shall engage in any business or transaction or shall have any financial or other private interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or which would impair their independence of judgment or action in the performance of their official duties.

§ 12.04. Prohibited Actions of Public Officials and Employees.

The adopted Code of Ethics shall provide for the investigation of conflicts of interest resulting in the use of public office or position for private gain. No City elected official, appointed officer, or employee shall:

- (a) act in an official capacity on matters in which the employee or official has a private financial interest clearly separate from that of the general public;
- (b) accept gifts and other things of value greater than de minimis in return for or as a reward for a favorable decision or vote;
- (c) act in a private capacity on matters dealt with as a public official or employee;
- (d) use confidential information for personal gain; and
- (e) appear before City departments, offices, and agencies on behalf of private interests.

§ 12.05. Powers and Duties

Insofar as possible under applicable law, the Code of Ethics shall authorize the Ethics Commission to:

- (a) Provide for the education of conduct and compliance with the Ethics Code that minimizes violations or the potential for violations of the Ethics Code;
- (b) Provide for citizen education of the requirements for public servants under the Ethics Code and increase citizen understanding of public service as a public trust under the vigilance of City residents;
- (c) Issue advisory opinions on Code of Ethics compliance as requested by the Mayor, City Council, City Controller, appointed officials, officers and employees of the City, or any party with standing under the adopted Code of Ethics;
- (d) Provide for procedures to conduct investigations on its own initiative and on referral or complaint from officials or citizens;
- (e) Subpoena witnesses and documents;
- (f) Refer cases for prosecution;
- (g) Hire independent counsel.

§ 12.06. Funding of the Ethics Commission.

The City Council shall annually appropriate sufficient funds to the Commission to enable it to perform the duties assigned to it and to provide for annual training and education of

citizens, City officials and employees, and candidates for public office regarding the Code of Ethics.

§ SECTION 13.01. Purpose of article.

The purpose of this Article is to establish an orderly procedure for the transition to the new form of government provided by this Charter. The provisions of this Article address the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this Article shall constitute temporary exceptions.

§ SECTION 13.02. Effective date.

This Charter shall be submitted to the voters at the general election of 2024, and if adopted, shall take effect on January 1, 2025 . However, to the extent necessary to comply with the other provisions of this Article governing the period between the date of adoption and the effective date of this Charter, this Charter shall be implemented upon the date of certification of the results of the general election of 2024.

§ Section 13.03 Current Elected Office Holders

Except as otherwise provided in this Charter, all elected City officeholders in office on the date this Charter becomes effective shall continue in office for the remainder of the term for which they were elected. If any of these officeholders shall vacate their office for any reason after the Effective Date of this Charter and prior to the expiration of their term, the vacancy shall be filled in the manner provided for by this Charter.

§ SECTION 13.04. Initial elections.

- (a) Elections of 2025. The following elected officials shall be nominated at the primary election, in May 2025, and shall be elected at the municipal election in November 2025 for the following terms:
 - i. One Mayor, for a term of four (4) years;
 - ii. Five (5) seats on City Council, for a term of four (4) years.
 - iii. One (1) seat on City Council, for a term of two (2) years.
 - iv. One Controller, elected for a term of four (4) years
- (b) Elections of 2027. The following elected official shall be nominated at the primary election in May 2027, and shall be elected at the municipal election in November 2027 for the following term:
 - i. Four (4) seats on City Council elected for a term of four (4) years.
- (c) Vacancy. If any of the elected offices becomes vacant between the time this Charter is effective and January 1, 2028, such vacancy shall be filled as provided

for in this Charter.

- (d) Required orientation for elected officials. Every elected City official, upon certification of their election to their initial full term of office, shall be required to satisfactorily complete a basic orientation on Home Rule Law, the Charter, the Administrative Code, and the Ethics Code. Such course may be directed and administered by the Office of Solicitor, with assistance from the Pennsylvania DCED, the Bar Association, the Ethics Board, and any other resources the Solicitor deems appropriate. City Council shall provide sufficient funds to ensure a thorough and professional orientation. Any elected official who, in the determination of the Solicitor, completes this course within four months of the certification of their election to their initial full term will receive a completion stipend in an amount determined from time to time by Council.

§ SECTION 13.05—Elective office of Treasurer abolished.

- (a) The elective office of Treasurer is abolished effective with the end of the term of office to which the officeholder was elected in 2021.
- (b) The duties, functions and powers of the Treasurer assigned by law and not inconsistent with this Charter are hereby transferred to the Department of Administrative Services.
- (c) In conformance with the Home Rule Charter and Optional Plans Law, the Treasurer may remain in office for the term to which they were elected in 2021 and may continue to be compensated at the rate in effect at the time of their election. However, if the Treasurer vacates the office prior to the expiration of the term, the vacancy shall not be filled, and the position shall be abolished at that time.

§ SECTION 13.06. Initial salaries of elected officials.

- (a) On the effective date of this Charter, the salaries of the Mayor, members of Council, and the Controller shall remain as authorized prior. Commencing on January 1, 2026, each member of Council shall receive an annual salary in the total amount of \$12,000.

§ SECTION 13.07. Continuation of Authorities, Boards and Commissions.

All authorities, boards and commissions established for or under the authority of the City before the effective date of this Charter shall continue to exist and operate unless abolished by ordinance of City Council. Members of the authorities, boards and

commissions existing on the effective date of this Charter shall remain in office for their respective terms or until the status of their respective authority, board or commission shall be altered by City Council. Vacancies in the membership of such authorities, boards and commissions after the effective date of this Charter shall be filled in accordance with this Charter.

§ SECTION 13.08. Specific transfer of functions.

The duties, functions and powers assigned by law and not inconsistent with this Charter are hereby transferred to the Mayor, to City Council, or to the Controller in accordance with this Charter. For any department, office or agency abolished by this Charter, its functions, powers and duties shall be transferred to the department, office or agency designated by the Charter or, if the Charter makes no such provision, as designated by ordinance. All departments, offices and agencies shall continue until abolished or modified.

§ SECTION 13.09. Personnel.

- (a) Charter effect on current and former employees. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary; tenure; residency; health care insurance, retirement or pension benefits; employment or collective bargaining agreements; leave with pay; or other personal rights. Nothing in this Charter shall diminish the rights and privileges of any former employees in their pension or retirement benefits.
- (b) Exemption from competitive tests. Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel rules of the City.

§ SECTION 13.09. Legal continuity.

- (a) City laws. All City ordinances, resolutions, collective bargaining agreements, rules and regulations which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

- (b) Legal actions. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue in force except as modified pursuant to the provisions of this Charter.
- (c) Property, Facilities, Records and Equipment. All property, facilities, records and equipment of the City existing on the Effective Date of this Charter shall remain the property, records and equipment of the City of Lancaster.
- (d) Until the adoption of an Administrative Code by City Council, the City shall operate under the provisions of the Third Class City Code and Optional Third Class City law, as applicable, to the extent they are not inconsistent with this Charter. In the event of a conflict between the terms of the Third Class City Code and Optional Third Class City law and this Charter, the Charter provisions shall control

§ SECTION 13.10. Temporary ordinances.

- (a) In order to effect the transition of government under this Charter, Council shall have the power to enact temporary ordinances. A temporary ordinance may be introduced and passed at any regular meeting of City Council during the three-month period following the effective date of this Charter. It shall become effective immediately after passage and shall automatically stand repealed at the end of eighteen (18) months after the effective date of this Charter.
- (b) A temporary ordinance shall not be renewed or otherwise continued except as in the manner prescribed by this Charter for the regular consideration and adoption of ordinances.

§ SECTION 13.11. Mandatory adoption of certain acts.

- (a) Within eighteen (18) months of the effective date of this Charter, the Mayor and City Council shall adopt and enact the Administrative Code and any other ordinances, rules, and regulations required by this Charter or deemed by the Transition Committee to be appropriate.
- (b) Within twelve (12) months of the effective date of this Charter, the Mayor and City Council shall adopt and enact a Code of Ethics under provisions of Article XII, Ethics Commission.

- (c) In the event that Council fails to adopt an Administrative Code within eighteen (18) months of the effective date of this Charter, the City shall operate under the provisions of the Third Class City Code and Optional Third Class City Plan A law, as applicable, to the extent they are not inconsistent with this Charter. In the event of a conflict between the terms of the Third Class City Code and Optional Third Class City Plan A law and this Charter, the Charter provisions shall control.

§ SECTION 13.12. Delay of certain Charter requirements.

- (a) For two (2) years following the effective date of this Charter, the revenue limitations established under § XXX .(xx) shall be waived under the enactment of the annual budget ordinance as approved by a majority vote of Council.

§ SECTION 13.13. Transition Committee.

- (a) Establishment and powers. On or before January 1, 2025, there shall be a Transition Committee established consisting of three persons to facilitate the transition from the existing form of government to the form of government established by this Charter. The Transition Committee shall schedule regular public meetings to inform citizens of the progress of the transition.
- (b) Membership. The Transition Committee shall include:
 - a. The current Mayor or their designee.
 - b. One Member of current City Council appointed by a majority vote of the Council.
 - c. One Member of the Lancaster City Government Study Commission, said member to be selected by the Chairperson of the Commission following the certification of the ballot approving the Charter.
- (c) City Council or its designees shall be required to report quarterly to the Transition Committee at a regularly scheduled meeting of the Transition Committee regarding the progress of Council or its designees toward drafting necessary ordinances, rules and regulations, including the Administrative Code and Code of Ethics, in order that they may be adopted as soon as practical after the effective date of this Charter.

- (d) Vacancies. Any vacancy on the Transition Committee shall be filled by a majority of the remaining Members of the Transition Committee. In the event of a Study Commission member vacancy, either the former Chair or Vice Chair of the Study Commission shall be appointed.
- (e) Compensation. The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.