

**FINAL REPORT
AND
PROPOSED HOME RULE CHARTER**

**OF THE
CITY OF SHARON GOVERNMENT STUDY COMMISSION
AUGUST 29, 2007**

BALLOT QUESTION

The following ballot question and plain English statement will be placed on the ballot November 6, 2007, for your approval:

SHARON HOME RULE REFERENDUM

SHALL THE HOME RULE CHARTER CONTAINED IN THE REPORT, DATED AUGUST 29, 2007, OF THE GOVERNMENT STUDY COMMISSION, PREPARED IN ACCORDANCE WITH THE HOME RULE CHARTER AND OPTIONAL PLANS LAW, BE ADOPTED BY THE CITY OF SHARON?

A 'YES' VOTE MEANS THAT YOU ARE VOTING TO ADOPT THE PROPOSED HOME RULE CHARTER FOR THE CITY OF SHARON, WHICH WILL CHANGE THE EXISTING FORM OF GOVERNMENT. A 'NO' VOTE MEANS YOU FAVOR RETENTION OF THE PRESENT FORM OF CITY GOVERNMENT.

YES

NO

TO: THE CITIZENS OF THE CITY OF SHARON

In May 2006, the citizens of the City of Sharon voted overwhelmingly to create a Government Study Commission by an 83% vote margin. The Commission was given the responsibility to study the City's existing form of government and to determine whether the City would be better served under a Home Rule Charter form of government.

After fifteen months of study and research, the Commission unanimously concluded that the adoption of a Home Rule Charter form of government would significantly improve the City's ability to meet the needs and expectations of its citizens, especially in light of Sharon's present management and financial crisis.

Presented herewith are the Commission's Final Report and Proposed Home Rule Charter. The Charter retains the best features of the City's present form of government, while establishing a new government structure highlighted by professional city management, term limits, and the elimination of health care, life insurance and pension benefits to part-time Councilmembers. In addition, the Charter provides the City with other desirable changes, including the taxing flexibility necessary to reduce the City's high real estate tax.

The question of adopting the proposed Charter will appear on the ballot in the form set forth on the preceding page at the general election on November 6, 2007. Every Sharon citizen is encouraged to review this Final Report and Charter so that their vote will be an informed one.

For the specific reasons set forth in detail in the following Report, we believe that the adoption of the Charter is in the best interests of the future of the City of Sharon. Therefore, we enthusiastically recommend that the citizens of Sharon vote to adopt the proposed Home Rule Charter on November 6, 2007.

Respectfully submitted,
City of Sharon Government Study Commission

William G. McConnell, Jr., Chairman
Francis P. Connelly, Vice Chairman
Rosann Rookey, Secretary-Treasurer
David F. George
Brian P. Kepple
Noel D. Moss
David G. U'Halie

Acknowledgments

We acknowledge with great appreciation the contributions of Brian R. Patt and Julie A. Dolan, who the Commission appointed to serve as alternates. Mr. Patt and Ms. Dolan participated as fully and as effectively as the elected members of the Commission did.

Beth Zych was of great assistance as our Commission Clerk. She performed her administrative tasks with dedication and high quality, and her awareness of routine activity in the City of Sharon was most helpful.

We express our gratitude to former and present elected City officials who met with us to offer their views. They included Mayor Bob Lucas, City Council President Fred Hoffman, former Mayors Robert T. Price and David O. Ryan, former City Council Presidents Maurice P. Keaveny and Joseph Baldwin, and former City Councilman Ray Fabian. We also heard from Hermitage City Manager Gary Hinkson, Hermitage Assistant City Manager Gary Gulla, Farrell City Manager LaVon Saternow and Farrell City Solicitor Stephen Mirizio.

Frank C. Evans, of Evans and Associates, author of the Early Intervention Report, and Robert C. Jazwinski, from the Shenango Valley Intergovernmental Study Committee, were of immeasurable help in explaining the city's current financial distress.

William J. Madden, Sharon City Solicitor, offered valuable insight into the inability of Sharon to maintain pace with the city's obligations, a problem brought on principally by the industrial exodus from Sharon.

We also traveled to Meadville to hear from City Managers Mary Ann Nau, Titusville, Thomas D. Rockovich, Oil City and Joseph Chriest, Meadville. Finally, many private individuals offered constructive advice.

We are especially grateful for the expert guidance provided by Michael S. Foreman, Local Government Policy Specialist, Department of Community & Economic Development, Governor's Center for Local Government Services.

We thank them all.

William G. McConnell Jr., Chairman
Francis P. Connelly, Vice Chairman
Rosann Rookey, Secretary-Treasurer

David F. George
Brian P. Kepple
Noel D. Moss
David G. U'Halie

GOVERNMENT STUDY COMMISSION

CITY OF SHARON

Elected May 16, 2006

Elected Members

Francis P. Connelly
David F. George
Brian P. Kepple
William G. McConnell, Jr.

Noel D. Moss
Rosann Rookey
David G. U'Halie

Alternate Members

Julie A. Dolan

Brian R. Patt

Commission Clerk

Beth Zych

FINAL REPORT

Overview of Home Rule

The hallmark of Home Rule is that it permits a municipality to tailor the structure and operations of its government to fit the specific needs of the community. Under a Home Rule Charter, a municipality need no longer look to the State Legislature to structure its government, but instead, may create its own form of government, which may operate in any manner not specifically limited by state law. This form of self-government permits a municipality to create a government that will be responsive to the specific and unique needs of the community and its citizens. Over 70 municipalities in Pennsylvania have adopted Home Rule Charters, including both the cities of Hermitage and Farrell.

The City of Sharon's Government Study Commission was charged under the Home Rule and Optional Plans Law with the following responsibilities: (a) to study the City's existing form of government; (b) to compare the City's form of government with other available forms of government under the law of the Commonwealth; (c) to determine whether the government of the City can be strengthened, made more clearly responsible or accountable to the people; and (d) to determine whether its operation could become more economical or efficient under a changed form of government.

Having fulfilled these responsibilities, the Commission has drafted a proposed Home Rule Charter, which it believes will not only improve and strengthen City government, but also make the City more accountable and responsive to the specific needs of the citizens of Sharon.

Study Process

Initially, the Commission considered whether the Third Class City Optional Charter Law should continue to be Sharon's basic governmental authority or whether to draft a Home Rule Charter. The Commission listened to current and former Sharon officials explain the function and operation of City government. Other citizens having knowledge of or an interest in government appeared before the Commission. The Early Intervention Report was presented and studied. Public hearings were held for citizen input. Commission members traveled to other cities, individually and collectively, to study other municipal governments. Officials in those cities provided information about alternative forms of municipal government. The Commission also exchanged information with other government study commissions and studied the provisions of many different Home Rule Charters to enhance this study.

Decisions

As a result of its studies, the Commission determined the government of the City of Sharon would be strengthened, made more responsive and accountable to the people, and that the operation of City government would become more economical and efficient under Home Rule. As such, the Commission voted unanimously on December 20, 2006, to recommend that the City cease operating under the Third Class City Optional Charter Law and draft a Home Rule Charter.

Why Home Rule for Sharon

- The City would benefit from non-elected, professional administrative and financial management.
- The need for improved government accountability, flexibility and transparency would be met.
- The City would be provided with the taxing flexibility necessary to reduce the City's high real estate tax rate.
- Home Rule will allow the City to tailor both the structure and operations of the government to meet operational and functional needs. The law under which the City presently operates and functions (Third Class City Optional Charter Law) is not particularly responsive to the specific needs of the City, especially in light of the City's present management and financial crisis.
- The health care, life insurance, and pension benefits presently available to part-time elected Councilmembers and other part-time appointed City officials, which are unjustified in light of the City's present financial condition and when compared to similarly situated municipalities, would no longer be underwritten.

Advantages of Proposed Home Rule Charter

- A qualified, full-time, professional City Manager appointed by Council on the basis of required experience and educational background, to effectively manage the daily operations of the City.
- A full-time Financial Officer, appointed by the City Manager on the basis of required experience and educational qualifications, to ensure the professional financial expertise necessary for the efficient administration of the City's fiscal affairs.
- A restriction on tax increases and debt by requiring super majority action of Council, and a tax offset provision providing that any increase in wage tax must be offset by a reduction in real estate tax.
- A part-time, five (5) member Council elected in a manner so that the majority of Council is elected every two years, providing greater accountability to the voters.
- Term limitations that prohibit Councilmembers from serving more than twelve (12) cumulative years in office, thus ensuring progress through the introduction of current citizen perspective.
- Elimination of health care, life insurance and pension benefits for part-time, elected Council members and other part-time City officials, saving the City significant amounts of money.
- The ability to amend the form of its government to respond to future conditions without having to depend on the State Legislature for authority to act.
- The cost to the City to implement the proposed charter in terms of anticipated salaries for City Manager and Financial Officer is expected to be more than offset by improved government efficiency and the elimination of benefits for part-time Councilmembers and City officials.
- The City shall adopt and maintain the most current communication technologies that will enable citizen participation, such as an official City website requiring the posting of certain notices and information to increase citizen awareness regarding the functions and activities of City government.

Recommendation

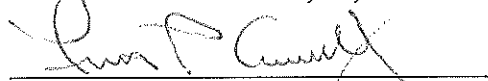
The adoption of the proposed Home Rule Charter by the citizens of Sharon will, for the first time, confer upon the City all of the powers of municipal government not specifically denied to it by the Constitution or the Legislature, rather than requiring the City of Sharon to depend upon the Pennsylvania State Legislature for each specific grant of power needed, as currently provided for in the Third Class City Optional Charter Law.

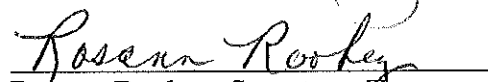
After fifteen months of extensive study, research and deliberations, twenty-one regular public meetings, and three public hearings, the members of the City of Sharon Government Study Commission voted unanimously on August 29, 2007, to recommend that the voters of the City of Sharon adopt the Home Rule Charter, as attached to this Report, at the general election to be held on November 6, 2007.


Certification

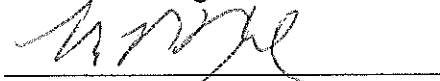
We, the undersigned members of the City of Sharon Government Study Commission, do hereby certify that the facts set forth in this Final Report are true and correct to the best of our information and knowledge, and that the Treasurer's Report accurately reflects all funds, goods, materials and services used by the Commission in the performance of its work and the preparation and filing of this Report.


William G. McConnell, Jr., Chairman


Francis P. Connelly, Vice-Chairman


Rosann Rookey, Secretary-Treasurer


David F. George

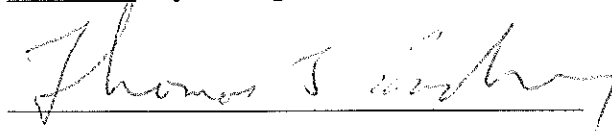

Brian P. Kepple


Noel D. Moss


David G. U'Hallie

Commonwealth of Pennsylvania
County of Mercer

Sworn to and subscribed before me this
29 day of August 2007.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Thomas J. Rookey, Notary Public
Mercer Boro, Mercer County
My Commission Expires June 7, 2009

Member, Pennsylvania Association of Notaries

TREASURER'S REPORT

CITY OF SHARON HOME RULE CHARTER STUDY COMMISSION

Newspaper Advertising		
The Herald	\$ 991.52	
Clerk Expenses		
Beth Zych	\$1,200.00	
Printing Expenses		
General	\$ 201.99	
In-kind from City of Sharon		\$ 35.41
In-kind from EKM&E, LLP		\$ 345.30
Postage		
General	\$ 6.66	
Total	\$2,400.33	
Total In-kind		\$ 380.71

The Sharon City Council approved a budget of \$6,300 for the Home Rule Study Commission on August 23, 2006. The Commission has been thoughtful and careful at keeping within the budget.

Printing and postage expenses for the publication and distribution of the final report and the proposed Home Rule Charter have yet to be determined; however, the expenses will fall inside budgeted expenditures.

The City of Sharon provided use of City Council Chambers for public meetings and printed meeting agendas and minutes. The law firm of Ekker, Kuster, McConnell & Epstein, LLP provided a conference room for work sessions and photocopying of charter drafts.

Respectfully submitted,



Rosann Rookey Secretary-Treasurer

CITY OF SHARON HOME RULE CHARTER

PREAMBLE

ARTICLE I: NAMES, BOUNDARIES AND DEFINITIONS

ARTICLE II: POWERS OF THE CITY

ARTICLE III: CITY COUNCIL

ARTICLE IV: OPERATIONS AND PROCEDURES OF COUNCIL

ARTICLE V: CITY MANAGER

ARTICLE VI: FINANCIAL OFFICER

ARTICLE VII: CITY CLERK

ARTICLE VIII: CITY SOLICITOR

ARTICLE IX: BUDGET AND FISCAL MATTERS

ARTICLE X: CONTRACTS

ARTICLE XI: ORDINANCES AND RESOLUTIONS

ARTICLE XII: ADMINISTRATIVE STRUCTURE

ARTICLE XIII: INVESTIGATIVE HEARINGS BY COUNCIL

ARTICLE XIV: GENERAL PROVISIONS

ARTICLE XV: CITIZEN'S RIGHTS AND PARTICIPATION

ARTICLE XVI: INITIATIVE AND REFERENDUM

ARTICLE XVII: TRANSITION

PREAMBLE

We, the citizens of the City of Sharon, under the authority granted the citizens of the Commonwealth of Pennsylvania to adopt home rule charters, and thus to exercise to the fullest extent the rights of local self-government, do hereby adopt this home rule charter. We do this in order to establish a government that will be responsive to the needs and desires of the citizens of the City of Sharon, and accountable to them, both now and in the future.

ARTICLE I NAME AND BOUNDARIES

§101. Name.

The City of Sharon shall continue to be a municipal corporation under its present name, "City of Sharon". As used in this charter, the word "City" shall mean the City of Sharon a home rule charter municipality located in Mercer County, Pennsylvania.

§102. Boundaries.

The boundaries of the City shall be the actual boundaries of the City at the time this charter takes effect and as they may be lawfully changed thereafter.

§103. Definitions.

(a) Quorum. A majority of the members of Council shall constitute a quorum. Council shall conduct no business except in the presence of a quorum.

(b) Majority Action. The action of a majority of Council present and entitled to vote, unless otherwise stated in this charter, shall be binding upon and constitute the action of Council.

(c) Absolute Majority Action. Any provision of this charter requiring the action of an absolute majority of Council, shall require the affirmative vote of three (3) Councilmembers before such action shall be binding and constitute the action of Council.

(d) Super Majority Action. Any provision of this charter requiring the action of a super majority of Council, shall require the affirmative vote of four (4) Councilmembers before such action shall be binding and constitute the action of Council.

ARTICLE II POWERS OF THE CITY

§201. General Powers.

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

§202. Construction.

The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general powers stated in this Article.

§203. Intergovernmental Relations.

The City by an act of Council may, or upon being required by initiative and referendum in the area affected shall, cooperate and agree in the exercise of any function, power or responsibility with or delegate or transfer any function, power or responsibility to one or more other local governments, the Federal Government or any other state or its government.

ARTICLE III CITY COUNCIL

§301. Composition.

City Council shall consist of five (5) members.

§302. Qualifications.

Only qualified voters of the City at least twenty-one (21) years of age shall be eligible to hold the office of Councilmember. A Councilmember shall have been a citizen of the United States and a resident of the City for a continuous period of a least one (1) year immediately prior to the date on which his or her term commences, and shall remain a resident of the City during his or her entire term.

§303. Manner of Election and Terms of Office.

Councilmembers shall be elected at large by the qualified voters of the City in the following manner: Terms of office shall be on an alternating basis so that a majority of the members of Council shall be elected every two (2) years at each municipal election to take the place of the Councilmembers whose terms of office expire the following January. Councilmembers shall serve a four (4) year term with the exception of the Councilmember who receives the least number of votes who shall serve a two (2) year term. The terms of office shall commence on the first Monday of January following the respective municipal election. This manner of election shall be effective with the 2011 municipal primary.

§304. Limit on Cumulative Number of Years in Office

No person shall be permitted to seek election or appointment to any term of Council which may extend his or her cumulative years in office beyond twelve (12) years.

§305. Oath of Office.

Before assuming the duties of their offices, all Councilmembers shall take and subscribe an oath or affirmation as required by the Constitution or laws of the Commonwealth of Pennsylvania. Such oath may be taken and subscribed before the City Clerk, any judge, district magistrate, or notary public of the Commonwealth of Pennsylvania. No Councilmember shall be permitted to assume office until the written oath is filed with the City Clerk.

§306. Powers of Council.

All legislative powers and functions of the City shall be exclusively vested in and exercised by Council, except where otherwise provided in this charter.

§307. Manner of Exercising Powers.

Except as otherwise provided in this charter, all acts of Council shall be in the form of ordinances, resolutions, or motions, which shall be exercised in the manner set forth in Article XI of this charter; provided that no final action shall be taken thereon until all interested persons have had the opportunity to be heard, and provided further that no ordinance or resolution shall be effective until a certified copy is recorded in the City's official books for ordinance and resolutions.

§308. Salary, Fringe Benefits and Expenses.

(a) Salary. Each Councilmember shall receive a salary for their services in the amount of Five Hundred and 00/100 Dollars (\$500.00) per month as of the effective date of this charter, or in such other sum as Council shall from time to time authorize by ordinance. The salary to be received by a Councilmember shall not be increased or decreased during the term for which any Councilmember was elected or appointed. No such increase or decrease shall be accomplished by ordinance adopted less than thirteen (13) weeks prior to the primary election preceding the municipal election at which the Councilmember is elected. Council President shall receive additional compensation in the sum of One Hundred and 00/100 Dollars (\$100.00) per month as a result of his or her additional duties and responsibilities as ceremonial head and official representative of the City.

(b) Fringe Benefits. In addition to salary, Councilmembers may, at their own expense, purchase into the City's group health insurance plan, if otherwise legally permissible, by paying one hundred percent (100%) of the designated premium for either individual or family group health insurance coverage. Councilmembers shall receive no other compensation, direct or indirect, for the performance of their official duties, including pensions, insurance, or other forms of fringe benefits except liability insurance.

(c) Expenses. Councilmembers shall not be entitled to reimbursement for any expenses incurred in the performance of their official duties unless such expenses are reasonable, necessary, actually incurred, and reimbursement is approved by majority action of Council. Receipts reflecting said expenses shall be made available for public information and inspection.

§309. Prohibitions.

(a) Holding Other Office. No Councilmember shall hold any other elected City, School District, County, Commonwealth, or Federal office, nor hold any appointed office of the City, nor be an employee of the City during the term for which the official was elected or appointed. No former elected official shall hold any appointed compensated City office or employment with the City until one (1) year after the expiration of the term for which the official was elected.

(b) Appointments and Removals. No Councilmember shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, but they may express their views and fully and freely discuss with the City Manager anything pertaining to the appointment or removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations as specified in Article XIII of this charter, Councilmembers shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. No Councilmember shall give orders to or in any other manner direct any such officer or employee, either publicly or privately.

(d) Influencing Decisions. No Councilmember, in any manner whatsoever, shall attempt to influence the outcome of any matter which is to be decided by any City authority, board, commission or agency unless the Councilmember has a direct personal interest in such matter, in which case the Councilmember shall be able to appear publicly before any such authority, board and commission, either in person or by representative, and make his or her case.

§310. Vacancies.

The office of any Councilmember shall become vacant upon the Councilmember's death, resignation, or removal from office for any conduct set forth in the Pennsylvania Constitution, Article VI, Section 7.

§311. Filling Vacancies.

If a vacancy shall occur in the office of Councilmember for any reason set forth in this charter, the remaining members of Council, by super majority action (4), shall fill such vacancy by appointing a person qualified under this charter to hold such office for the unexpired term thereof. If Council shall refuse, fail, or neglect, or be unable, for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs, or is declared by Council, then the Court of Common Pleas of Mercer County shall, upon petition of Council or any five (5) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City to hold such office for the unexpired term thereof.

Prior to filling any vacancy by appointment, Council shall publish notice of such vacancy seeking applications from qualified persons in both a newspaper of general circulation in the City and on the official City website. Such advertisement and solicitation for applications shall be

published and posted at least fourteen (14) days prior to appointment. Council shall also be required to interview all qualified applicants prior to filling any vacancy. Council shall adopt by ordinance a formal order of procedure to be utilized with respect to the interviewing and manner of voting on all qualified applicants seeking to be appointed to fill a vacancy.

§312. Judge of Qualifications.

To the extent provided by law, the Court of Common Pleas of Mercer County shall be the judge of the election and qualifications of all Councilmembers and candidates for the office of Council.

ARTICLE IV OPERATIONS AND PROCEDURES OF COUNCIL

§401. Organization of Council.

Council shall organize on the first Monday of January of every year. If the first Monday is a legal holiday, the meeting and organization shall take place on the first day following. If a quorum is not present, the organizational meeting shall be held at the earliest succeeding day on which a quorum can be assembled. At such time, Council shall elect one of its members President and another Vice-President who shall hold such offices until the next organizational meeting. Council may transact any further business it deems necessary at the organizational meeting.

§402. Council President and Vice President.

Council President shall chair and preside over all meetings of Council. Council President shall also be the ceremonial head and official representative of the City, and perform all other duties of Council President as set forth in this charter. Council Vice President shall perform all of the duties of Council President during the absence or incapacity of the Council President. In the event the office of Council President should become vacant for any reason provided for under this charter, that office shall be filled by Council Vice President for the unexpired term thereof. If at any time the office of Council Vice President should become vacant, Council shall elect one of its members to fill the unexpired term thereof.

§403. Meetings.

Council shall hold regular meetings at least once a month on such day and at such time as Council shall determine and schedule. Council may adjourn to a stated time for general business or special business. If no quorum is present at a regular or adjourned meeting, a majority of the Councilmembers who are present may agree upon another date and time for a meeting, and the Councilmembers present may continue to so agree until a meeting can be held with a quorum in attendance.

Special meetings shall be called by Council President upon the written request of three (3) Councilmembers. Councilmembers shall have at least twenty-four (24) hours written notice of special meetings unless waived. The notice shall contain a precise statement of the nature of the

business to be considered. No other business may be considered at a special meeting. Presence at such special meeting constitutes waiver of notice.

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

§404. Agenda.

A proposed agenda shall be prepared under the supervision of Council President for all regular meetings of Council. The proposed agenda shall be forwarded to all Councilmembers and posted at the City municipal building and on the official City website at least five (5) days prior to the date of said meeting. A brief statement of each subject to be considered shall be included as part of the agenda. The agenda may be amended prior to any meeting upon the written request of any two (2) Councilmembers.

§405. Form of Action.

Official actions of Council shall be taken by adoption of an ordinance, a resolution, or a motion. All ordinances and resolutions must be in a written form. All actions of a legislative character shall be taken by ordinance. All other actions of Council shall be by resolution or motion, unless otherwise required in this charter. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance.

§406. Minutes and Recordings of Proceedings.

Council shall make and preserve minutes and records of all of its proceedings. The minutes shall be public records and shall be available for public inspection during reasonable hours. Council shall provide for electronic recording of all public meetings. These recordings shall be preserved for a period of one (1) year and shall be public records.

§407. Operating Rules.

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

ARTICLE V CITY MANAGER

§501. Appointment, Qualifications and Compensation.

Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The City Manager need not be a resident of the City at the time of appointment, but he or she must become a resident of the City within one (1) year of appointment and remain a resident during the remainder of his or her term of employment.

The City Manager shall be chosen on the basis of the following qualifications:

(a) He or she shall have served as a municipal manager or assistant municipal manager for a minimum of three (3) years, or shall have at least three (3) years of executive administrative experience; and

(b) He or she shall hold a minimum of a bachelor's degree from an accredited college or university, preferably in public administration, business administration, finance or related fields.

In the event that a suitably qualified candidate as prescribed above is not readily available, Council may appoint an acting City Manager on a temporary basis for a period not to exceed one hundred twenty (120) days from the effective date of this charter while continuing to advertise in appropriate periodicals or journals for a qualified candidate. Council shall exert every effort to appoint a qualified City Manager as promptly and as expeditiously as possible.

§502. Powers and Duties of City Manager.

The City Manager shall be responsible to Council for the administration of all City affairs placed in his or her charge. The City Manager's powers and duties shall include, but are not limited to, the following:

The City Manager shall:

(a) Direct and supervise the administration of all City departments, offices and agencies, except as otherwise provided by this charter or by law;

(b) Appoint all department heads with the advice and consent of Council;

(c) Appoint, suspend or remove all City employees, except as otherwise provided by law or this charter and report any such action at the next regular business meeting of Council;

(d) Attend all Council meetings and shall have the right to take part in discussion, but shall not vote;

(e) Prepare and submit the annual budget, budget message and capital program report to Council as provided in Article IX of this charter;

(f) Submit to Council and make available to the public a complete report of the finances and administrative activities of the City as of the end of each fiscal year;

(g) Keep Council fully informed of the financial condition and future needs of the City and make such recommendations to Council concerning the affairs of the City as he or she deems necessary and desirable;

(h) Make such other reports as Council may require concerning the operations of City departments, offices or agencies subject to the City Manager's direction and supervision;

(i) Require each City department, office, authority, board, commission or other City agency to certify from time to time that materials, supplies or equipment have been duly received and accepted as specified and that services contracted for have been duly rendered;

(j) Enforce all laws, ordinances and regulations of the City, and preserve order in the City;

(k) Have the duty to sign such papers, contracts, obligations and documents that are properly presented as may be required by law;

(l) Ensure that the City budget and all appropriations are administered as provided in Article IX of this charter;

(m) Act as purchasing agent for the City;

(n) Solicit quotes annually or at the end of any contract period for professional services, group health insurance and surety bonds, and shall report the results of such action to Council;

(o) Represent the City, when designated by Council, in deliberations with other governmental bodies or agencies;

(p) Negotiate collective bargaining agreements on behalf of the City with the assistance of the City Solicitor; and

(q) Perform such other and additional duties as required by Council.

§503. Acting City Manager.

The City Manager shall designate in writing an employee of the City to exercise the duties of City Manager during the City Manager's temporary absence or disability, subject to the approval of Council. In the event of the City Manager's incapacity, suspension, removal or a vacancy in the office, Council shall designate an employee of the City to serve as Acting City Manager. The Acting City Manager shall have the powers and duties of the City Manager.

§504. Removal.

Council may, at any regular or special meeting, by absolute majority action (3), remove the City Manager, with or without cause. Removal of the City Manager shall not become effective until thirty (30) days from the passage of the removal resolution. Council may, at its discretion, suspend the City Manager from his or her duties with compensation during the thirty (30) day period from the passage of the removal resolution. The City Manager may, within fifteen (15) days of the date of removal, request a public hearing before Council to state his or her case. Such public hearing shall be held before expiration of the thirty (30) day period.

ARTICLE VI FINANCIAL OFFICER

§601. Financial Officer.

The City Manager shall appoint a Financial Officer who shall head a Department of Finance and supervise, in cooperation with the City Manager, the financial administration of the City. The Financial Officer shall report to the City Manager and shall perform such other duties as required by the City Manager, the administrative code, other ordinances, or this charter.

§602. Qualifications.

The Financial Officer shall have a bachelor's degree from an accredited college or university in the field of accounting, finance or other related fields and shall have at least three (3) years of related service, and shall be bondable in such an amount as determined by Council. The Financial Officer need not be a resident of the City at the time of appointment, but he or she must become a resident of the City within one (1) year of appointment and remain a resident during the remainder of his or her employment.

§603. Appointment, Compensation and Removal.

The Financial Officer shall be appointed by the City Manager for an indefinite period of time and his or her salary shall be fixed by Council. The Financial Officer may be removed from office by the City Manager with or without cause upon thirty (30) days written notice.

§604. Duties and Responsibilities.

(a) The Financial Officer shall be responsible for establishing and maintaining an accounting and financial management system designed to accurately reflect the assets, liabilities, receipts and expenditures of the City and the collection, custody, investment, and disbursement of all City funds.

(b) The Financial Officer shall act as tax collector for the City and shall be responsible for the collection and receipt of all taxes levied by the City, County and School District, or any other authority empowered to levy taxes upon persons and property within the City. In the event that Council shall contract with a private entity to collect and receive Act 511 taxes, Council may appoint such private entity, or a duly authorized representative thereof, as receiver of such taxes.

(c) The Financial Officer shall be responsible for keeping and maintaining the accounts of the City in such a manner as to clearly exhibit all the items of receipts and expenditures of the City, and the sources from which the monies are received and the objects for which the same are disbursed.

(d) The Financial Officer shall be responsible to ensure that no money shall be paid out of the City treasury unless the same shall have been previously appropriated by Council pursuant to Article IX of this charter for the purpose for which it is to be drawn. The Financial Officer shall

countersign checks drawn on the City treasury only when he or she is satisfied with the legality of such payment.

(e) The Financial Officer shall, when directed by Council, examine, audit and settle all accounts whatsoever in which the City is concerned, either as a debtor or creditor, and shall also, when directed by Council, examine and audit the accounts of all City officers and departments which collect, receive, and disburse public moneys, or who are charged with the management, control, or custody thereof, and in every case he or she shall make report of such examination, audit and settlement to Council.

(f) The Financial Officer shall perform such other additional duties as directed by the City Manager.

ARTICLE VII CITY CLERK

§701. Appointment and Compensation.

Council shall appoint a City Clerk for an indefinite term and shall fix his or her compensation.

§702. Removal.

Council may by absolute majority action remove the City Clerk at any time, with or without cause.

§703. Powers and Duties of City Clerk.

The City Clerk shall:

(a) Attend all meetings of Council and shall keep full minutes and recordings of its proceedings;

(b) Be responsible for the recording, filing, indexing and safekeeping of all proceeds of Council;

(c) Record in full, uniformly and permanently, all ordinances and resolutions, and authenticate the same;

(d) Certify copies of any book, paper, record, bylaw, rule, regulation, resolution, ordinance, or other proceeding of the City under the seal of the City;

(e) Receive affidavits, issue petitions, and certify the sufficiency of all initiative or referendum petitions, or otherwise perform any duties of the City Clerk as required by Article XVI of this charter with respect to initiative and referendum;

- (f) Keep and maintain all election records;
- (g) Notify the City Manager of the impending expiration of the term of office of a member on any board or commission, such notice to be given at least thirty (30) days before expiration;
- (h) Deliver to his or her successor the seal and all of the books, papers and other records and matters belonging to the City;
- (i) Be custodian of the official seal of the City; and
- (j) Perform such other and additional duties as are requested by Council or the City Manager.

ARTICLE VIII CITY SOLICITOR

§801. Appointment and Qualifications.

Council shall appoint a City Solicitor on a full-time, part-time, or retainer basis on the first Monday of January following each municipal election, or as soon thereafter as practicable. The City Solicitor shall be an official of the City and may be an individual, partnership, or professional corporation or association. The individual or members of the partnership, corporation or association shall be admitted to practice in all courts of the Commonwealth and such Federal courts as necessary to perform their duties. The term of the City Solicitor shall be for a period of two (2) years beginning the first Monday in January following each municipal election, and continuing until a successor is duly appointed.

§802. Compensation.

The compensation of the City Solicitor shall be as determined and fixed by Council. The Solicitor's compensation shall not include the fringe benefit of health insurance. However, the Solicitor may, at his or her own expense, purchase into the City's group health insurance plan, if otherwise legally permissible, by paying one hundred percent (100%) of the designated premium for either individual or family group health insurance coverage.

§803. Removal.

Council may by absolute majority action remove the City Solicitor at any time, with or without cause.

§804. Powers and Duties of City Solicitor.

The City Solicitor, shall enforce all laws, protect the interests of the City and shall:

- (a) Advise Council, or any City official, when requested, on all legal questions arising in the conduct of City business;

- (b) Prepare or revise ordinances and resolutions when so requested by Council;
- (c) Furnish opinions in writing on any legal matter or question submitted to him or her by Council or any City official, in its or his or her official capacity;
- (d) Prepare for execution all contracts and instruments to which the City is a party and approve as to form all bonds required to be submitted to the City;
- (e) Commence and prosecute each and every suit, action or actions brought by the City, as well as defend all actions or suits brought against the City or any officer thereof;
- (f) Collect by suit or otherwise, all debts, taxes and accounts due the City which shall be placed with him or her for collection by any officer of the City;
- (g) Investigate, upon request of Council, any violation or alleged violation within the City of any statute of the Commonwealth, the United States, or of any City ordinance;
- (h) Make an annual report to Council, not later than the first Monday of each year, of all pending litigation in which the City has an interest and the condition thereof;
- (i) Keep a record of all suits, the nature of the action and the disposition of the case, or its condition if pending;
- (j) Keep a complete record of and retain copies of all written opinions prepared and furnished by him or her;
- (j) Represent the City in all tax assessment and exemption appeals;
- (l) Deliver all records, documents and property of every description in his or her possession, and belonging to his office or to the City, to his or her successor in office, who shall give him or her duplicate receipts thereof, one of which he shall file with the City Clerk; and
- (m) Perform any and all other such legal duties as requested by Council.

§805. 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.

§806. Access to Records.

The City Solicitor shall have the right of access at all times to the official records of any official, department, board, commission or authority of the City, as necessary in the performance of the duties of City Solicitor.

**ARTICLE IX
BUDGET AND FISCAL MATTERS**

§901. Fiscal Year.

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

§902. Independent Audit.

Council shall provide for an independent annual audit of all City accounts and may provide for any special audits it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the municipal government or any of its officers.

§903. Submission of Budget and Budget Message.

On or before the sixtieth (60th) day prior to the beginning of the fiscal year, the City Manager shall submit to Council a budget for the ensuing year and an accompanying message. Council shall ensure that the budget message is posted and displayed on the official City website within forty-eight (48) hours of its submission to Council by the City Manager.

§904. Budget Message.

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

§905. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. It shall be in such form as the City Manager deems desirable or Council shall require, and may utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose of 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 all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees, and charges;
- (c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year;

(d) It shall show the number of proposed employees in every job classification, and the salaries for each such classification;

(e) It shall so be arranged as to show comparative figures for actual and estimated income and expenditures for the three (3) preceding fiscal years, and the projected income and expenditures for the current and ensuing fiscal year;

(f) It shall indicate proposed operating expenditures for the ensuing fiscal year, detailed by offices, departments, and agencies, in terms of their respective work programs and the methods of financing such expenditures; and

(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies and the proposed method of financing each such capital expenditure.

The total of proposed expenditures shall not exceed the total of estimated income, including the surplus or deficit from the preceding year's budget.

§906. Capital Program.

It is the intent of this charter that Council shall adopt long range plans and objectives to provide for the orderly growth of the City. The City Manager shall prepare and submit annually to Council a five (5) year capital program report at least three (3) months prior to the final date for submission of the budget. Projects which will result in major additions or changes to the City, such as recreation and sanitation facilities or roadways, shall be included in the capital program report. Such other capital expenditures for equipment with a useful life of two (2) years or less shall be part of the operating budget.

The annual capital program report shall contain:

(a) A clear general summary of its contents;

(b) A list of capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(c) Cost estimates, method of financing and recommended schedules for each such improvement;

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

(e) The estimated annual amortization costs.

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

§907. Publication; Council Action on Budget.

(a) Publication. Council shall publish the proposed budget immediately upon its receipt from the City Manager.

(b) Public Hearings. Council shall hold a minimum of two (2) public hearings on the budget at which time residents of the City may express their views on the proposed budget. The first such hearing shall be not less than twenty-one (21) days nor more than thirty (30) days after the date of the publication. The second public hearing shall be not less than seven (7) nor more than fourteen (14) days after the first hearing.

(c) Method of Publication and Notice of Hearing. Council shall publish in one or more newspapers of general circulation in the City, and on the official City website, a general summary of the budget and a notice stating:

(1) The times and places where copies of the budget and message are available for review by the public, and

(2) The times and places of the required public hearings on the budget and such other public hearings as the Council may decide to hold.

(d) Amendment Before Adoption. After public hearing, Council may adopt the budget with or without amendment. In amending the budget, Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditure to an amount greater than the total of estimated income.

(e) Adoption. Council shall adopt the budget by ordinance on or before the twenty-eighth (28th) day of the twelfth (12th) month of the fiscal year currently ending. If Council fails to adopt the budget by this date, the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

§908. Publication; Council Action on Capital Program.

(a) Publication. Council shall publish the proposed Capital Program Report immediately upon its receipt from the City Manager.

(b) Public Hearing. Council shall hold a minimum of one (1) public hearing on the proposed Capital Program at which time residents of the City may express their views on the proposed capital program. Such required public hearing shall be not less than twenty-one (21) days nor more than thirty (30) days after the date of the publication.

(c) Method of Publication and Notice of Hearing. Council shall publish in one or more newspapers of general circulation in the City, and on the official City website, a general summary of the Capital Program and a notice stating:

(1) The times and places where copies of the summary of the Capital Program are available for review by the public, and

(2) The time and place of the required public hearing on the Capital Program and such other public hearings as the Council may decide to hold, and

(3) The times and places where a complete copy of the Capital Program along with accompanying maps, charts, reports, and other data are available for inspection by the public.

(d) Adoption. Council shall by resolution adopt a Capital Program with or without amendment, after public hearing and on or before the last day of the ninth (9th) month of the current fiscal year.

§909. Amendments After Adoption.

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriations revenues in excess of those estimated in the budget, Council may by ordinance make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a declared public emergency affecting life, health, safety, property, or the public peace, Council may make emergency appropriations. Such appropriations may be made by emergency ordinance, but such ordinances may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money except to the extent that there are no available unappropriated revenues to meet such appropriations. Council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time.

(c) Reduction of Appropriations. If, at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year the City Manager, with the consent of Council, may transfer part or all on any unencumbered appropriation balance among programs within a department, except that appropriations for Capital Program expenditures shall be excluded from this provision, and after the first six (6) months of the fiscal year, the City Manager, with the consent of Council, may transfer part of all of any unencumbered appropriation balance from one department to another. Such actions shall be by ordinance.

(e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

§910. Lapse of Appropriations.

Every appropriation, except an appropriation for a Capital Program expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a Capital Program expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. An appropriated project or program shall be deemed abandoned if two (2) years pass without any disbursement from, or encumbrance of, the appropriation.

§911. Administration of Budget.

At such time as the City Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The City Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The City Manager may revise such allotments during the year if deemed desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to §909 of this Article.

§912. Taxation.

All non-electoral increases in property tax rates and earned income tax rates must be approved by super majority action (4) of Council.

§913. Debt.

All non-electoral debt shall be issued and approved by super majority action (4) of Council.

§914. Tax Limitations.

In fixing the rate of any City tax which may be now or hereinafter authorized by law, Council shall abide by the limits established by the General Assembly for third class cities, with the exception that Council may increase the rate of the City earned income tax above such limits if, and only if, Council shall in the same year reduce the real property tax millage by a rate estimated to off-set the increased revenue generated by the earned income tax.

§915. Payment of Funds.

No payment of any funds of the City shall be made unless provided for in the budget and specifically approved by the Council; provided, however that payroll and utility expenditures

may be made at the direction of the City Manager where based upon a prior ordinance or contract. All checks or drafts of the City shall be signed by the City Manager and countersigned by the Financial Officer.

§916. Fidelity Bonds.

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

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

ARTICLE X CONTRACTS

§1001. Contract Requirements.

All contracts of the City involving sums in excess of Twenty-Five Thousand (\$25,000.00) Dollars shall be in writing and shall be executed on behalf of the City by Council President, or in his or her absence, Council Vice President. Council President shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. All contracts for purchases less than Twenty-Five Thousand (\$25,000.00) Dollars shall be in writing and shall be executed by the City Manager. The City Manager may designate in writing any City official or department head to act as a purchasing agent. During such time, the person so designated by the City Manager shall possess the power to make such purchases. Any City official or department head required to execute a written contract may request the City solicitor to approve the same as to form.

§1002. Competitive Bids.

Except as otherwise provided by this charter, no contract for supplies, material, labor, franchise, or other valuable consideration, to be furnished to or by the City, shall be authorized on behalf of

the City, except to the lowest responsible bidder after competitive bidding, or in the case of goods or services being sold or disposed of by the City, to the highest or best bid submitted.

§1003. Bidding Procedure.

Council shall by ordinance establish a system of competitive bidding, including such definitions, advertising and publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver and exceptions as it from time to time deems advisable.

§1004. Exceptions to Competitive Bidding.

Competitive bidding shall not be required under this charter for:

- (a) Labor or services rendered by any City officer or employee;
- (b) Labor, material, supplies, or services furnished by one City department to another City department;
- (c) Contracts for labor, material, supplies, or services available from only one vendor;
- (d) Contracts for labor, materials, supplies, or services aggregating less than Twenty-Five Thousand (\$25,000.00) Dollars, or in such higher amount as adopted by ordinance by super majority action (4) of Council;
- (e) Contracts relating to the acquisition or use of real property;
- (f) Contracts for professional services, insurance and surety bonds;
- (g) Contracts necessitated by a declared emergency;
- (h) Contracts with other governmental entities, authorities, agencies or political subdivisions;
and
- (i) Contracts negotiated under competitive bidding procedures by a joint municipal cooperative purchasing group of which the City is a member.

§1005. Evasion of Bidding Requirements.

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

§1006. Maximum Term of Certain Contracts.

The term of contracts for the purchase of supplies shall not exceed two (2) years.

Commentary: Supplies refer to smaller basic commodities, not transportation equipment and the like where it is common practice to arrange for longer leases.

§1007. Fee Sharing Prohibition.

No person, consultant, firm or corporation contracting with the City for purposes of rendering personal or professional services to the City shall share with any elected or appointed City official or employee, and no elected or appointed City official or employee shall accept, any portion of the compensation or fees paid by the City for the contracted services provided to the City. Any City official or employee who violates this section shall be subject to all sanctions authorized by law and/or termination of employment.

ARTICLE XI ORDINANCES AND RESOLUTIONS

§1101. Adoption by Council.

Ordinances and resolutions shall be adopted only at regular or special public meetings of Council and shall require the absolute majority action (3) of Council for adoption, unless otherwise provided by this charter.

§1102. Actions Requiring an Ordinance.

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

- (a) Adopt or amend the annual budget and the capital program;
- (b) Adopt or amend an administrative code, or adopt or amend a code establishing a personnel system;
- (c) Establish, alter or abolish any City department, office or agency;
- (d) Levy taxes;
- (e) Grant, renew or extend a franchise;
- (f) Establish, alter or abolish rates charged for any utility or other service supplied by the City;
- (g) Authorize the borrowing of money, with the exception of tax and revenue anticipation notes, which may be authorized by resolution;

- (h) Establish wages, salaries, hours of work, or fringe benefits of employees and officials of the City;
- (i) Purchase, convey, lease or authorize the purchase, conveyance or lease of any lands of the City;
- (j) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (k) Adopt with or without amendment ordinances proposed under the initiative power;
- (l) Establish, alter or amend any zoning, subdivision, land development or building regulation; and
- (m) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.

§1103. Form of Ordinances.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Sharon hereby ordains" Any ordinance which repeals or amends an existing ordinance or part of an existing ordinance shall set out in full the ordinance, as well as the sections or subsections to be repealed or amended.

§1104. Procedure for Adoption.

(a) Introduction. A proposed ordinance may be introduced by any Councilmember at any regular or special meeting of Council as long as the introduction of said ordinance has been properly placed on the agenda or is included in the notice of special meeting. Upon introduction of any proposed ordinance, the City Clerk shall distribute a copy of the proposed ordinance to each Councilmember, the City Manager, and shall file a reasonable number of copies in the office of the City Clerk and such other public places as Council may designate.

(b) Prior Publication. If the ordinance is approved by Council for introduction, Council shall publish the proposed ordinance together with a notice setting forth the date, time and place for a public hearing thereon when the proposed ordinance shall receive further consideration by Council. The full text of the proposed ordinance need not be published; instead the title and general substance of the proposed ordinance will be sufficient, along with a designation of the places where copies of the full text of the proposed ordinance are filed and the times when they are available for public inspection.

(c) Adoption by Council. Provided that the citizens of the City have been given an opportunity to express their views at the public hearing prior to adoption, Council may: (1) adopt the ordinance as proposed; (2) postpone action until a later public meeting; or (3) amend a proposed ordinance before final adoption. The public hearing shall be held in conjunction with a regular

or special meeting of Council. If there is a postponement and no announcement made at the time of postponement of a latter date, time and place when the ordinance will receive further consideration, or if an amendment makes any changes in the substance of the proposed ordinance as originally published, then no final action may be taken until the proposed ordinance has again been published in accordance with subsection (b) of this section.

(d) “Publish” defined. As used in this section, the term “publish” shall mean to post and display on the official City website for a period of seven (7) consecutive days not more than thirty (30) days prior to the public hearing at which the proposed ordinance is to be considered. To the extent any proposed ordinance is required by law to be published by newspaper advertisement, the term “publish” shall mean, in addition to posting on the official City website in the manner set forth in this section, to advertise in a newspaper of general circulation in the City not more than thirty (30) days nor less than seven (7) days prior to the public hearing at which the proposed ordinance is to be considered.

§1105. Effective Date.

Except as otherwise provided by law or this charter, all ordinances shall become effective on the tenth (10th) day after adoption or at any later date specified therein.

§1106. Ordinance Enactment and Recording.

Every ordinance shall contain the date of its adoption which shall be verified by the signature of Council President or other member of Council presiding at the meeting where final action thereon was taken. The City Clerk shall affix the official seal of the City to the original copy of each ordinance and shall attest the signature of the other signatory.

All ordinances and resolutions shall be recorded verbatim in the City’s official books for ordinances and resolutions. Ordinances and resolutions shall be recorded in the proper book within ten (10) days after adoption. These books shall be open and available for public inspection during regular business hours; they shall be in the custody and control of the City Clerk or a designee of Council. All ordinances shall be posted and displayed on the official City website within ten (10) day after enactment.

§1107. Emergency Ordinances.

To meet a declared public emergency affecting life, health, safety, property or the public peace, Council may adopt one or more emergency ordinances; but such ordinances may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money, except as provided in §909(b) of this charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced by majority action of Council. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances. It shall become effective upon adoption or at such later time as it may specify.

Every emergency ordinance except one made pursuant to §909(b) of this charter shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

ARTICLE XII ADMINISTRATIVE STRUCTURE

§1201. Administrative Code.

Council shall establish, by ordinance, an administrative code for the City in the manner and in the time frame set forth in §1707(c) of Article XVII of this charter.

§1202. General Provisions.

(a) Creation of Departments. Council may establish departments, offices or agencies, in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discounted or, unless this charter so provides, assigned to any other department.

(b) Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by a director appointed by and subject to the direction and supervision of the City Manager. With the consent of Council, the City Manager may serve as the director of one (1) or more such departments, offices or agencies or may appoint one (1) person as the director of two (2) or more of them.

ARTICLE XIII INVESTIGATIVE HEARINGS BY COUNCIL

§1301. Investigative Hearings.

Council shall have the power, by resolution, to conduct investigative hearings into the affairs of the City and the conduct of any City department, administrative unit, office or agency. Such investigative hearings may be conducted by the Council at large or by any of its committees in the aid of its legislative powers and functions.

§1302. Witnesses and Documents; Subpoenas.

Council may compel the attendance of witnesses and the production of records, books, documents or other evidence, at an investigative hearing, and for that purpose may issue subpoenas signed by the President of Council, and may cause the same to be served in any part of the Commonwealth of Pennsylvania in accordance with applicable law pertaining to the service of civil subpoenas.

§1303. Oaths.

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

§1304. Penalty.

If any person shall fail or refuse to obey any subpoena properly issued under this Article, that person shall upon conviction be guilty of a summary offense.

ARTICLE XIV GENERAL PROVISIONS

§1401. Conflict of Interest.

No elected or appointed official or employee of the City shall influence, attempt to influence, or vote on the making of any contract, or otherwise supervise or deal in any City matter in which such person has either a direct or indirect financial, personal, or other special interest.

§1402. Duty to Disclose Conflict of Interest.

Any elected or appointed official or employee of the City who knows, or in the exercise of reasonable diligence should know, that such person is interested financially, directly or indirectly, in any City contract, or who has financial, personal, or other special interest in any City matter, shall promptly notify Council thereof in writing. When the interested official is a Councilmember, such official shall refrain from voting on said contract or City matter.

§1403. Non-Discrimination.

No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any City position or appointive city administrative office because of race, sex, age, ethnicity, disability, political or religious opinions or affiliations.

§1404. Restriction on Political Activity.

(a) No elected or appointed compensated official of the City shall be an officer of either a political party or political committee, or be an elected or appointed committee person.

(b) No appointed compensated official of the City shall hold elected political office of any kind.

(c) No elected or appointed compensated official or employee of the City shall orally, by letter, or otherwise solicit or assist in soliciting any assessments, contributions, or services, for any political party, political committee, or candidate from any employee of the City.

(d) No appointed compensated City official shall make, solicit, or receive any contributions to any local political committee or to any candidate for City office or take part in the management, affairs, or political campaign of any local municipal or county political party or candidate.

(e) No person shall solicit any City employee to sign the nominating petition of any political candidate or a petition seeking the affirmation or rejection of any political issue on any property owned, leased, or occupied by the City, or any of its agencies, boards, commissions, or authorities.

§1405. Official City Website.

(a) Establishment, Operation and Maintenance. Council shall provide for the establishment, operation and maintenance of an official City website for the purpose of providing the citizens and taxpayers of the City with notice and information regarding the functions and activities of City government. In the event that a city website should become out-dated or obsolete for meeting its intended functions as herein provided, Council may by ordinance utilize the most generally accepted substitute for a website to accomplish the purpose of this section.

(b) Required Postings. Council shall ensure that this charter, the administrative code and all City ordinances are posted and displayed on the official City website for public review. In addition to other notices and documents required to be posted and displayed on the official City website by this charter, Council shall ensure that the following notices and documents are posted and displayed on the official City website for public review in the proper form and within the time frame for publication as required by law or this charter:

(1) Notice of all regular and special meetings of Council and all City agencies, authorities, boards, and commission;

(2) Notice of all public hearings;

(3) Agendas of all regular meetings of Council;

(4) Minutes of all Council meetings;

(5) Annual budget message of City Manager; and

(6) Notice of vacancy on Council or on any authority, board and commission.

All notices and documents required by this charter to be posted and displayed on the official City website shall be posted and displayed on the date required for publication or submission and shall remain posted and displayed until the date of any meeting or hearing at which formal action on the subject matter of such posting shall take place. Proof of posting shall be retained by the City Clerk.

§1406. Charter Amendment.

Amendments to this charter shall be in the manner prescribed by law and the Home Rule Charter Optional Plans Law.

§1407. Severability of Charter Provisions.

If any provision of this charter is held invalid for any reason, whatsoever, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is held invalid, for any reason whatsoever, the application of this charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XV CITIZEN'S RIGHTS AND PARTICIPATON

§1501. Citizen's Right to be Heard.

Council shall provide reasonable opportunity for interested citizens and taxpayers to address Council and its committees on matters of general and special concern. This opportunity shall be afforded to the public at all Council meetings and at other meetings that shall be set for this purpose. A summary of citizen and taxpayer comments shall be made part of the official minutes. Council shall not adopt any ordinance or resolution of a legislative character, except budget ordinances, unless the public has been permitted to address Council immediately prior to final action on such ordinance or resolution.

§1502. Citizen's Right to Place Item on Agenda by Petition.

The citizens and taxpayers of the City may place an item on the regular agenda of Council by filing a petition with the City Clerk containing the signatures and addresses of at least thirty-five (35) qualified voters of the City along with the item to be placed on the agenda of Council for discussion or consideration. Upon certification of any such petition by the City Clerk within two (2) days of filing, Council President shall be required to place the item on the agenda of the next regularly scheduled Council meeting.

§1503. Appointments to Authorities, Boards and Commissions.

Council shall appoint citizens, taxpayers and business owners to authorities, and citizens to boards and commissions, or other agencies of the City, making the greatest possible use of the talents and interests of such citizens, taxpayers and business owners, thereby promoting the public interest and welfare of the City.

All citizens appointed by Council to boards, commissions, or other agencies of the City must be residents of the City prior to the time of appointment and must remain residents during their terms of appointment. Council shall publish and post notice of vacancies on any authority, board, or commission, in at newspaper of general circulation in the City and on the official City website at least fourteen (14) days prior to filing such vacancy. Council shall adopt procedures

for citizens to apply for such vacancies and shall keep a master list of persons interested in such appointments.

ARTICLE XVI INITIATIVE AND REFERENDUM

§1601. General Authority.

Citizens shall have the right to propose ordinances by an initiative procedure, and the right to require reconsideration by Council of an adopted ordinance by a referendum procedure, as is hereafter provided.

(a) Initiative. The qualified voters of the City shall have the power to propose ordinances to Council by an initiative petition, and, if Council fails to adopt an ordinance so proposed without any changes in substance, to adopt or reject it at a primary, municipal or general election. No such proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

(b) Referendum. The qualified voters of the City shall have the power to require reconsideration by Council of any adopted ordinance, or part thereof, and, if Council fails to repeal an ordinance so reconsidered, to approve or reject it at a primary, municipal or general election.

(c) Limitations. Initiative and referendum powers shall not extend to the budget or capital programs in their entirety nor to any emergency ordinance. However, such exception shall not apply to specific projects of the budget or capital program. Any proposed ordinance which provides for the expenditure of City revenues shall provide for the funding thereof.

§1602. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in its 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 proposal initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

§1603. Petitions.

(a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least ten (10%) percent of the total number of qualified voters registered to vote at the last regular City municipal election.

(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 shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within sixty (60) days after adoption by Council of the action sought to be reconsidered.

§1604. Procedure after Filing.

(a) Certificate of City Clerk; Amendment. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend with the City Clerk within two (2) days after receiving the copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of §1603, and within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended 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 sufficient, or if a petition or amended petition is certified insufficient and the and the petitioners' committee does not elect to amend or request Council to review pursuant to subsection (b) of this Section within the time required, the City Clerk shall promptly present his or her certificate to Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) Review by Council. If a petition has been certified insufficient and the petitioner's committee does not file notice of intention to amend or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate file a request that it be reviewed by Council. Council shall review the certificate at its next public meeting following the filing of such request and approve or disapprove it, and Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court 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.

§1605. Referendum Petition; Suspension of Ordinance's Effect.

(a) When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) City Council repeals the action sought to be reconsidered; or

(4) Thirty (30) days have elapsed after a vote of the City on the ordinance sought to be reconsidered.

§1606. Action on Petitions.

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, Council shall promptly consider the proposed initiative ordinance in the manner provided in Article XI or reconsider the referred ordinance by voting its repeal. If Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed initiative or referred ordinance to the voters of the City.

(b) Submission to Voters. The vote of the City on a proposed or referred ordinance shall be held at the next primary, municipal or general election not less than thirty (30) days and not later than one (1) year from the date of the final vote thereon by Council. Copies of the proposed or referred action shall be made available at the polls.

(c) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by a least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings shall thereon be terminated.

§1607. Results of Election.

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as an ordinance of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referendum ordinance vote against it, it shall be considered repealed upon certification of the election results.

(c) Re-enactment or Repeal. City Council shall take no action inconsistent with an initiative ordinance or referred ordinance as approved or negated by the voters for a period of two (2) years after said approval or repeal.

ARTICLE XVII TRANSITION

§1701. Rights and Privileges of Employees.

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

§1702. Continuation of Ordinances and Resolutions.

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

§1703. Existing Departments, Offices, Authorities, Boards and Commissions.

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

§1704. Members of Authorities, Boards and Commissions.

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

§1705. Existing Elected Officials.

Officials of the City elected by vote or appointed to fill a vacancy in such elected office, shall hold such office until their respective terms shall expire. In the event of a vacancy occurring in any office that is not provided for as an elective office by this charter, such vacancy shall not be filled.

§1706. Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter, and in each case, shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this charter.

§1707. Schedule of Transition.

(a) This charter shall be presented to the voters of the City for adoption or rejection at the municipal general election to be held on November 6, 2007.

(b) In the event of adoption by the voters of the City, the following schedule of transition shall apply:

(1) Within thirty (30) days following the adoption of this charter, a transition committee of nine (9) members shall be established in order to implement an orderly procedure for transition from the old to the new form of City government provided by this charter, and to ensure that all necessary action is taken to make this charter fully operational. This committee shall be comprised of two (2) Councilmembers selected by Council and three (3) members of the Government Study Commission selected by the Commission. The selected Councilmembers and Commission members shall then each select two (2) qualified voters of the City. Such committee shall draft the proposed administrative code and such ordinances as are necessary to implement fully this charter. The preparation of the administrative code shall be under the supervision of the City Solicitor and shall include the following:

(A) Provisions for establishing City departments, their functions and duties;

(B) Provisions for establishing City agencies, authorities, boards and commissions, their functions and duties;

(C) Provisions for entering into contracts including bidding procedures; and

(D) Any other provisions, which Council deems necessary or required by the charter.

(2) The Council that is organized on the first Monday of January, 2008, shall by ordinance eliminate the offices of elected Mayor and Controller. This ordinance shall be adopted at least seven (7) days prior to the first day for circulating petitions for nomination at the municipal primary election involving the offices of Mayor and Controller and shall be made effective at the expiration of the terms of the incumbent Mayor and Controller.

(3) The Council that is organized on the first Monday of January, 2010, shall by ordinance eliminate the office of elected Treasurer. This ordinance shall be adopted at least seven (7) days prior to the first day for circulating petitions for nomination at the municipal primary election involving the office of Treasurer and shall be made effective at the expiration of the term of the incumbent Treasurer.

(4) The following Articles of this charter shall become fully effective on the first Monday of January, 2008: Article I (Name, Boundaries and Definitions); Article II (Powers of the City); Article VII (City Clerk); Article VIII (City Solicitor); Article X (Contracts); Article XI (Ordinances and Resolutions); Article XII (Administrative Structure); Article XIII (Investigative Hearings by Council); Article XIV (General Provisions); Article XV (Citizen's Rights and Participation); and Article XVI (Initiative and Referendum).

(5) The provisions of Article III of this charter with respect to City Council shall become fully effective on the first Monday of January, 2008, with the exception of the following sections: §303 (Manner of Election and Terms of Office) which shall become effective at the municipal primary election prior to the expiration of the current terms of the majority of Council which are scheduled to expire on the first Monday of January, 2012; §308 (Salary, Fringe Benefits and Expenses) until appointment of a City Manager with respect to additional pay to Council President, or to the extent implementation in full, or in part, is prohibited by law; and §309(b) and(c) until appointment of a City Manager.

(6) The provisions of Article IV of this charter with respect to Operations and Procedures of Council shall become fully effective on the first Monday of January, 2008, with exception §402 (Council President and Vice-President) to the extent such section provides that Council President shall be the ceremonial head and official representative of the City which proviso shall become effective upon the appointment of a City Manager.

(7) The provisions of Article V of this charter with respect to City Manager shall not become fully effective until expiration of the term of the Mayor on the first Monday of January, 2010. In the event the office of Mayor shall become vacant, said vacancy shall not be filled and Article V of this charter shall become fully effective.

(8) The provisions of Article VI of this charter with respect to the appointment of a Financial Officer shall not become effective until the appointment of a City Manager. The Financial Officer shall not assume those duties and responsibilities set forth in §604 of this charter which are presently required to be performed by either the Treasurer and Controller under the third class city code until such time as these elected positions are eliminated by this charter or otherwise become vacant.

(9) The Provisions of Article IX of this charter with respect to Budget and Fiscal Matters shall become fully effective on the first Monday of January, 2008, with the exception that any duty or act required in said Article to be performed by the City Manager shall be performed by the Mayor until formal appointment by Council of a City Manager.

(c) The administrative code required to be prepared by this charter shall be prepared and approved by Council by January 1, 2009.

(d) The transition committee shall also participate in the selection and interview process with respect to the appointment of the first City Manager under this charter, after which this Committee shall recommend to Council the individual(s) found to be best qualified and suited for the position.