

**Final Report
And
Proposed Home Rule Charter**

Greenville Government Study Commission

August 22, 2019

There is a tide in the affairs of men
Which, taken at the flood, leads on to fortune.
Omitted, all the rest is bounded
In shallows and miseries.

-William Shakespeare

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Question on the November Ballot

“Shall the Home Rule Charter contained in the report, dated August 22, 2019 of the government study commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Borough of Greenville?”

The options on the ballot will be, Yes, to adopt the proposed charter, and No, to not adopt the proposed charter.

Specifics for Final Report Requirement

Some are covered in the narrative

BRIEF EXPLANATION OF THE PURPOSE OF THE COMMISSION UNDER ACT 62 HOME RULE LAW

Members of the government study commission serve as representatives of the community at large in examining the current local government, considering alternatives, reaching decisions on how the local government might best be run, and presenting their recommendations to the voters.

SUMMARY OF COMMISSION'S FINDINGS ON THE PRESENT FORM OF GOVERNMENT

The Commission found that the current council-manager form was the best for Greenville moving forward. The mayor's position is strengthened in the current charter proposal, giving a finer focus for the community on the spokesperson representing community goals.

EXPLANATION OF THE RECOMMENDED FORM OF GOVERNMENT AND THE ADVANTAGES IT WILL CONFER

While the council-manager form is maintained, giving the mayor a vote on council and ability to preside over meetings will streamline the process. Guarantees for the public include the need for a super-majority of council to enact any tax levy and to borrow over one million dollars, along with the establishment of initiative and referendum for consideration of ordinances. While the ability to raise taxes over limits set by the state's Borough Code has been granted the council, yearly and overall caps have been put in place as additional public protection. Also spelled out is the requirement that candidates for the manager's position must have some management experience. The ability to create authorities will also allow land and economic development throughout the community.

SURVEY OF AREAS OF MUNICIPAL GOVERNMENT REMAINING UNCHANGED

The council-manager government form as well as election of the mayor and borough council members at large remains unchanged. The detailed listing of the manager's duties is the same as currently in use. Departments remain unchanged as well as the manager's ability to oversee those departments. Duties of the Town Solicitor remain unchanged, although spelled out in more detail.

To: The Citizens and Council of the Borough of Greenville

August 22, 2019

On May 15, 2018 the citizens of the Borough of Greenville voted overwhelmingly to create a Government Study Commission. The Commission was given responsibility to study the Borough's existing form of government and to determine whether the Borough would be better served under a Home Rule Charter form of government.

After nine months of study and research, the Commission unanimously concluded that the adoption of a Home Rule Charter form of government would significantly improve the borough's ability to meet the needs and expectations of its citizens, especially in light of Greenville's present financial crisis. A total of 29 meetings and eight open public hearings over 15 months total produced the Charter we propose.

Presented herewith are the Commission's final report and proposed Home Rule Charter. The Charter retains the best features of the Borough's present form of government while establishing a new government structure, highlighted by a stronger mayor. Other desirable changes include taxing flexibility, a cap on taxes, and initiative and referendum opportunities for the public.

The question of adopting a Charter will appear on the ballot in the form set forth on the fourth page of this report at the general election on November 5, 2019. Every Greenville citizen is encouraged to review this Final Report and Charter so that their vote will be an informed one.

For 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 Borough of Greenville. Therefore, we enthusiastically recommend that the citizens of Greenville vote to adopt the proposed Home Rule Charter on November 5, 2019.

Respectfully submitted,
Borough of Greenville Government Study Commission.

Paul J. Miller, Chairman
Stephen A. Williams, Vice Chairman
Martha C. Johnson, Secretary-Treasurer
Paul Hamill
Hal Johnson
Casey Shilling
Steve Thompson

Acknowledgements

The Greenville Borough Government Study Commission would like to acknowledge the following for their assistance in preparing the Home Rule Charter proposal to be put forward to the voters on November 5, 2019.

First, Pete Longiotti, a former Greenville Borough Council member, offered insight into the way the borough got into financial difficulties beginning in the early 2000's. Current mayor Evan Hereford shared some insights into the current mayor position and his duties.

We got insights from Gary Hinkson, City Manager for Hermitage, and Mike Ceci, City Manager for Farrell, on the processes those two municipalities underwent in forming their Home Rule Charter and what advantages they've found since their conversion to Home Rule.

Bill Leonard of Berkheimer Tax Service offered insights into the earned income tax collection status for the Borough and reflected on the real estate tax delinquency issue. Ed Faustnaught of DCED shared some thoughts on the need for Home Rule and some direction on what the charter may and may not include.

Attorney John Q. Stranahan II, and the law firm of Cafardi, Ferguson, Wyrich, Weis, and Statler did a thorough vetting of the legality of the charter draft as well as offering various insights and comments on the document submitted to them.

Dr. Mary Jane Kuffner Hirt, Greenville's Act 47 coordinator, was invaluable in providing background information on the borough's financial plight as well as sharing details of the Act 47 Recovery Plan adopted by borough council in April of 2019.

Dr. Lawrence Keller, our consultant, was as well invaluable in providing the Model City Charter from which we worked as well as updating the changes in wording in content as our meetings progressed. We could not have finished this project without his guidance and calming influence.

Finally, Greenville Borough Manager Jasson Urey has been an incredible resource, giving us terrifically detailed insight into the budget process, the daily operations of the borough, and answering all questions along the way. He has also managed the funds given us through our DCED grant and been supportive the entire time we've been working on the charter.

For the entire Greenville Government Study Commission, we thank each and every one of these people.

Paul J. Miller
Commission Chairman

Guiding Principles for a Home Rule Charter

The main goal of a home rule charter and certainly the goal of the Commission is to maximize our ability to govern ourselves as we see fit. Without a home rule charter we are bound by the rules and regulations of the Borough Code of the state of Pennsylvania. With a home rule charter we set our own rules and regulations. In essence, we govern ourselves by the rules and regulations we prefer. We control our governance, that is, the process by which we determine as a community what is valuable to us.

The commission sees Greenville as an authentic and connected community. This is best recognized by branding the name as the Town of Greenville. Borough is a legal classification of municipalities and remains the legal classification. However, the notion of a town emphasizes the personal nature of how we relate as citizens and how we want to move forward as a richly connected community.

The commission saw home rule best served by empowering both the town council, representing all citizens, and a town manager, who professionally assists the council in governance. We also provide for an elected mayor who will be a member of, and preside over, the Town Council. This office empowers local leadership. As a charter generating commission, we can only supply the tools of governance. The actions of the community, such as the willingness of ethical and caring citizens to serve on council, will ultimately determine how well we handle our problems and exploit our opportunities.

Added to the council and manager were a variety of agencies, policies and citizen participation opportunities to empower and democratize town governance. We provide for a planning and economic development capacity to bring additional economic vitality. The budget and capital development programs are tied to planning with all aspects open to, and inviting, public participation. Finally, the charter permits citizens to create ordinances and submit them to the council as well as allow many acts of council to be voted on by the public. These policies have common sense limits but allow and promote meaningful citizen efforts. All the provisions of our proposed charter are summarized in the following pages.

We are optimistic about the future and the willingness as well as the abilities of citizens to seize the reins of self-government. Success is not guaranteed, but as the history of our beloved town has demonstrated we can rise to the occasion and use home rule to carve a better future. We dedicate this charter to renewing our community, attacking our problems and moving boldly into the future.

Our Work and History

In order to write and adopt a home rule charter, a community must establish a Government Study Commission with seven members elected at-large. The issue of whether to have a Government Study Commission must be put on the ballot. At the same election candidates who want to serve on the commission are on the ballot. Voters vote yes or no to have a commission. If the voters approve having a commission, then the votes are counted for who serves. In May, 2018, Greenville voters approved the ballot issue of forming a Government Study Commission and elected the seven members who currently serve in a non-partisan process. The members are listed on the Commission Members and Certification page of this Report. Information and documents on the commission can be found on the town website, <https://greenvilleborough.com/government-study-commission>.

From its beginning on June 13, 2018, the Home Rule Study Commission has examined every possible aspect of borough government in Greenville. A thorough study of the current year's budget, including explanations of each section, consumed our early meetings. As well we heard a detailed explanation of the state's borough code and its impact on Greenville. Act 47, the distressed communities act, was also discussed at length. We also heard speakers from Hermitage, and Farrell as they related their experiences with Home Rule Charter formation. Speakers from previous Greenville governments shed some light on how the community got into the position of distress in the first place. Detailed information on Earned Income Tax receipts and real estate millage underscored the precarious state of the borough economy.

By November we were able to conduct three days of public hearings. Spread over five weeks, these hearings allowed us to get public input as well as answer questions on the state of the project to that date. January and February saw more input on Act 47, specifically a three-year plan to exit distressed status, and a commitment required by law to proceed with the development of the charter. Meetings were held twice a month from February to April and weekly in May and June. 13 meetings in all were devoted to drafting the charter.

We believe we have a sound knowledge of Greenville government, its economic status, and what will be required to move forward without the burden of state oversight. The charter addresses mistakes in the past that contributed to the town's fall into Act 47. For example, an independent auditor will present a public review of the audit of the preceding year. (Section 6.15 (b). Also, a supermajority, that is, a two-thirds vote of council, is required to borrow more than \$1 million. (Section 6.10(b). With this knowledge of the borough's past and present conditions, and with public comments at every meeting, we designed a government and governing process to facilitate our moving forward.

The Decision to Write a Home Rule Charter

Why create a Home Rule Charter? First, it gives the citizens more input into their local government. It frees the Town Council from state restrictions in many cases and allows more and broader paths to financial wellness. It is our one chance to craft our own way out of distressed status, to create a constitution for the community that will allow it to move forward. Countless hours over a total of 29 meetings have been spent in this process. We hope the voters of Greenville will feel those hours have been well spent in designing and empowering our own community government. Together, we can move forward towards our goals, exiting distressed status and choosing our path to the future.

An Overview of the Proposed Home Rule Charter

Process

The Commission followed the procedure used by the founding fathers in writing the U. S. Constitution. The Commission created a committee of the whole and charged the committee to create a full draft of a charter. A committee of the whole is a committee with all members of the commission as members. When the draft was completed, the committee was charged with holding at least one public hearing on the draft and having it reviewed by legal counsel. The committee held two public meetings. In addition, the committee carefully reviewed the suggestions of the legal counsel, the firm of Cafardi, Ferguson, Wyrick, Weis and Stotler, with John Q. Stranahan II the lead attorney, and changed all provisions that had any legal issues. A final discussion was held on the policy suggestions of legal counsel as well as those from the public. The discussion led to a final draft incorporating many of the suggestions. After making the changes in the draft the committee reported the draft to the Commission and dissolved the committee.

The Commission accepted the draft of the proposed charter and unanimously voted to place the proposed charter on the November ballot. Citizens will determine whether to accept the charter and create their own community governance as proposed by the Commission.

Critical Decisions

A critical initial decision is on the form of government. The charter is designed around the selected form of government. After a thorough discussion the committee of the whole found the council-manager form of government, the current form of Borough government, preferable. This form empowers a local council to create all policies and to hire a professional manager to assist the council. A candidate for the office of town manager must have managerial experience. (Article Four) The

manager serves at the pleasure of council; that is, the manager can be fired at any time by a majority of Council. This is the current form of government.

An elected office of mayor is also created in the charter. (Section 3.3) The mayor is elected by the citizens and is a voting member of council. The mayor presides at council meetings, appoints members and sends assignments to committees of council and presents an annual state of the town message. The mayor is the ceremonial head of government but has no administrative responsibilities. The office of mayor provides for local leadership, and the office of town manager brings professional assistance to make local governance both democratic and effective.

Town Council and Effective Governance

The Council has seven members, six elected at large, and the Mayor. Elections are staggered so that three members are elected in odd years with a mayor elected every four years. The first mayor under this charter will be elected in November, 2021. This keeps the current elections and council in place.

Council has all the policy authority of the town and hires a town manager to assist in governing the community. Article Three of the charter lays out the specifics that council must follow in governing. All proposed ordinances must be available in final form seven days prior to any vote on them. Council is required to hold a public hearing on each ordinance and any citizen can speak at the hearing. All permanent ordinances must be codified, that is, collected by topic in a publication available to the public.

Council must meet at least once a month and keep minutes of its proceedings. Four members constitute a quorum. Special meetings can be called by the mayor or three or more members of Council. Twenty-four hours' notice must be given for any special meeting. Council may pass emergency ordinances, but these must clearly indicate the nature and specifics of the emergency and expire in sixty days.

Article Four details the office of town manager. A manager must have management experience to be eligible for the office. The manager serves at the pleasure of the council; that is, the manager can be fired by a majority vote of four members at any time without cause. The duties of the manager are specified in the charter (section 4.4). The manager in essence helps the council to govern the town, providing professional expertise in governing and administration.

Departments, agencies and a personnel system are noted in Article Five. The Council can create departments, commissions, offices and authorities which will be under the supervision of the town manager. The duties of the office of town solicitor, the legal officer of the town, are spelled out in this provision. The solicitor is appointed by the council and must have practiced law in Pennsylvania for at least

five years with at least three years devoted to municipal law. The charter establishes a planning and development capacity so that we can approach and even create a better future. As part of this improvement effort, the charter endorses an economic and community development capacity. This capacity promotes development of our economy and attracting new investment to the community. The Charter does not create new positions or agencies but rather empowers the community to designate who shall perform the planning and development. Ideally, the community can pursue a variety of means for creating the capacity, such as state and federal grants.

The charter in Article Six mandates accountable budgeting so that all monies collected and spent are clearly spelled out. The budget process is open to public participation and requires transparency. Capital budgeting is comprehensively addressed, tying the appropriations to multi-year planning opened to public participation. Financial management is carefully constructed so that all monies are spent in line with the goals of the community.

Taxation is a difficult issue and was seriously discussed over several meetings. Several members of the public also discussed the issue with the commission at some of the meetings. A preliminary decision was changed on further consideration and is section 6.14 in the current proposed charter. Taxation is complicated by the ability of the school district to impose property taxes and to use .5% of the Earned Income Tax. In fact, a majority of the property tax goes to the schools, and the rate of property tax has been increased by the schools annually for several years. Of the current property tax, 100.94 mills, which funds the county and schools as well as the Borough, sixty-five percent (65%) goes to the schools. The borough government cannot change or reduce the amounts of the property tax that go to the county or the schools nor can it affect the .5% of the Earned Income Tax that goes to the schools. Currently, the borough collects 24.5 mills for general purposes, 3 mills for the fire department which voters approved several years ago and 8.58 mills for debt services.

The Council is empowered to set the rates of all methods of taxation. The empowerment permits council to reduce a tax while increasing another. The Commission discussed this important issue in detail, clearly recognizing the economic realities of the citizens. For example, the Committee discussed possibilities such as the need to raise the Earned Income Tax, which has been decreasing over time, while reducing the property tax rate. Giving the council the taxing authority means that any proposed changes in taxes will be openly discussed in the community and be a major part of any campaign to serve on council.

The final decision was to allow council to set the Earned Income Tax Rate and the property tax; however, the council is limited to an annual increase of .5% for the EIT with an overall cap of 2.5% and the general use property tax was capped at 30

mills. The setting of any tax rate requires a majority of all the council plus one, that is, five votes. Thus setting any tax requires a consensus of at least five of the seven members of council. The careful process and the required super majority vote should insure that any rate that is set reflects a consensus and helps the community get out of fiscal distress, thereby avoiding potential control by the state government. Any state control would address our finances, either by cutting services, or raising taxes, or some combination of the two.

Article Seven spells out how the community contracts for services, supplies and all other necessities. The provision requires competitive bids unless such a process does not apply. Exceptions are listed in section 7.4 and reflect both current law and practice.

The proposed charter in Article Eight empowers citizens to both propose ordinances, the initiative, and vote on any ordinances passed by council, the referendum. Both citizen processes utilize petition processes, to submit an ordinance or to put an ordinance on the ballot. Some types of actions are exempt from the processes such as taxes and salaries. However, both invite active and responsible citizenship. Both require those proposing an ordinance or putting an ordinance on the ballot to have signatures of registered voters equal in number to five percent of the registered voters as of the immediately preceding general municipal election. Based on the last general municipal election held 2017, the total of signatures required would be 153.

Charter amendments and charter review are in Article Nine. Under Pennsylvania law the form of government in a home rule charter once adopted cannot be amended for five years. However, other parts of the charter may need attention more quickly. Thus, the provisions for amendment specify that “starting in January 1, 2021,” the provisions of the charter that do not involve the form of government may be amended. Council by a two-thirds vote and having signatures of registered voters equal to ten percent of the number of registered voters may submit amendments to the charter in a referendum. At the time of the 2017 general municipal election, the last election for which data is available, petitions for amending the charter would require 306 signatures. Any charter amendment must be approved by the voters to take effect.

The charter also creates a charter review commission composed of five elected members. The first charter review commission will be elected in November, 2024, and begin work in January, 2025. Every ten years thereafter a charter review commission of five members shall be elected. The charter review commission has six months to complete their review. All of their recommendations must be placed on the ballot by council or by another method for putting provisions on the ballot.

The final article, Article Ten, provides for the transition from the current government to the one created by the charter. For most purposes, if the proposed

charter is accepted by the voters in the coming November election, most provisions would go into effect on January 1, 2020. A mayor would be elected in 2021 and assume office in January, 2022. Thus, by 2022 all provisions of the charter will be in effect.

The Government Study Commission is proud to announce this charter and help our community govern itself in these difficult times. We expect citizens to come forth and participate in governance as we as a community create our future and grapple with our problems.

STATEMENT OF FINANCES AND RESOURCES

The Greenville Borough Government Study Commission expended \$14,838.05 from June of 2018 through August 2019 to support the work of the commission. It is expected that the commission will expend approximately \$15,161.95 more to fulfill requirements associated with the publication and distribution of recommended home rule charter. The total cost of operations is expected to total \$30,000. An Act 47 grant from the PA Department of Community and Economic Development has funded the expenses of the Government Study Commission. The following detail further describes the commission’s expenditures over the past 15 months.

Legal Services	\$8,145.00
Consultant Services	\$4,500.00
Legal Advertising	\$2,053.05
Printing/Postage/Distribution	\$140.00
TOTAL: \$14,838.05	

Expenses Incurred – June 2018 – August 22, 2019

Legal Expenses:

John Q. Stranahan II, Esq, Cafardi, Ferguson, Wyrick, Weis, & Stotler, LLP

Consultant Services:

Dr. Lawrence F. Keller, Ph.D., J. D.

Legal Advertising:

The Record-Argus

Printing/Postage/Distribution:

DocuCenter, ComDoc a Xerox Company

Expenses Projected – August 23, 2019 – November 5, 2019

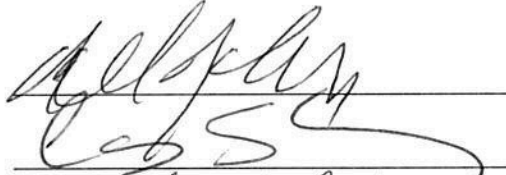
Legal Services	\$4,217.00
Consultant Services	\$4,500.00
Legal Advertising	\$2,678.95
Printing/Postage/Distribution	\$2,531.00
Supplies/Miscellaneous Expenses	\$1,235.00

TOTAL: \$15,161.95

Commission Certification and Signature Page

We, the members of the Greenville Borough Government Study Commission, being duly sworn according to the law, depose and confirm the foregoing statement of funds, goods, materials, services and suppliers used by the Greenville Borough Government Study Commission is correct to the best of our knowledge and belief.

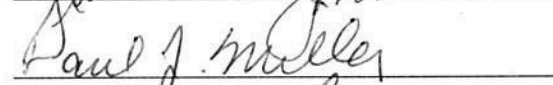
Hal Johnson



Casey Shilling



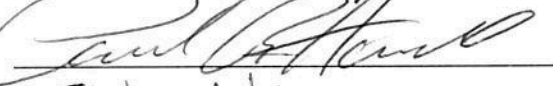
Martha C. Johnson – Secretary/Treasurer



Paul J. Miller - Chair



Steve Thompson



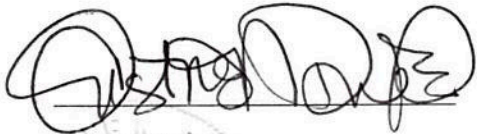
Paul R. Hamill



Stephen A. Williams Vice-Chair

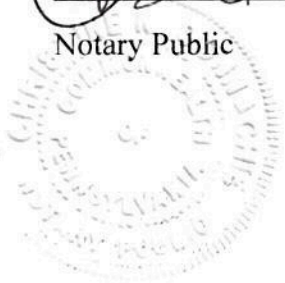


Sworn and subscribed before me on this 23rd day of August, 2019.

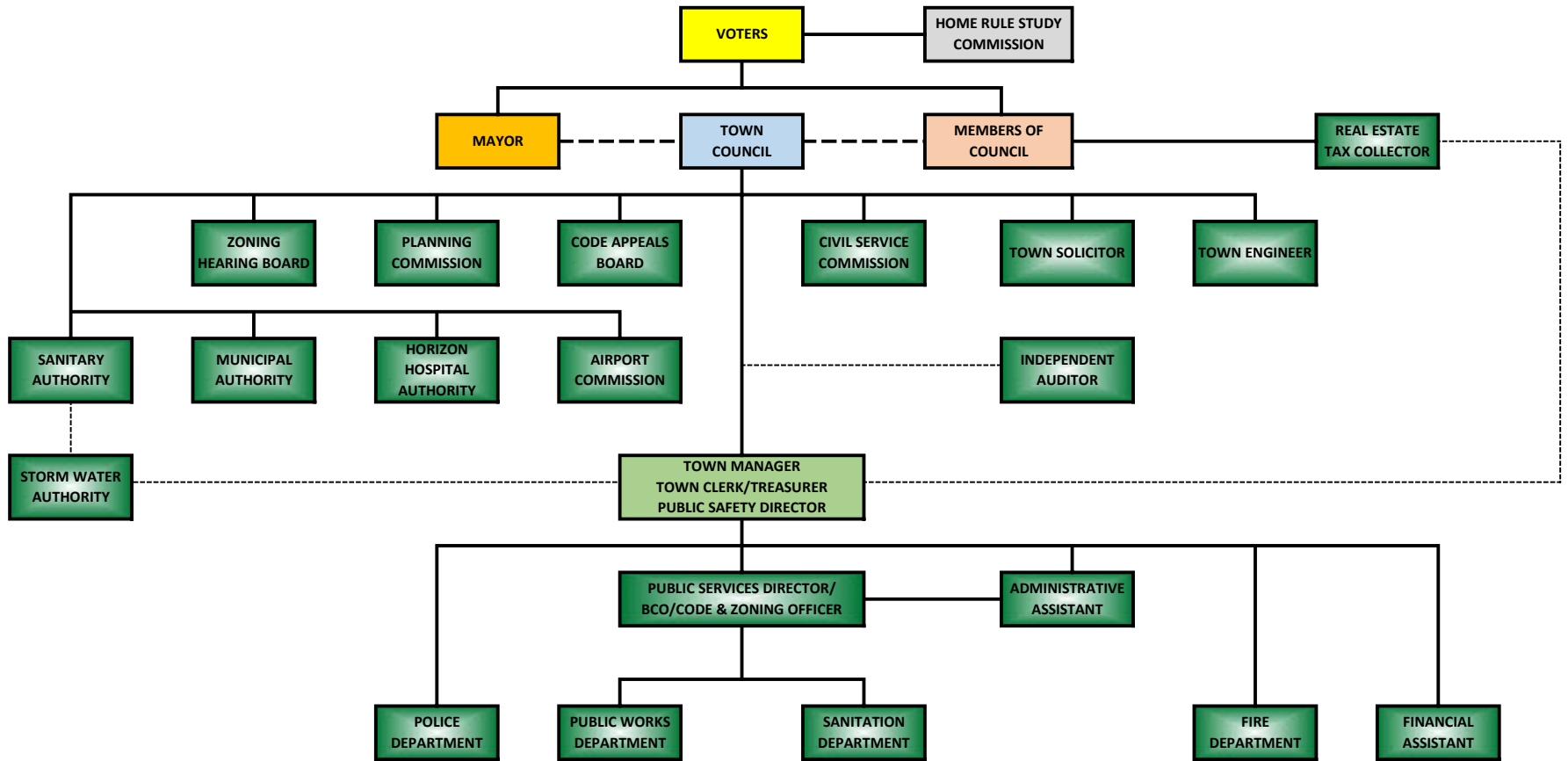


Notary Public

Commonwealth of Pennsylvania - Notary Seal
Christine N. Donnachie, Notary Public
Crawford County
My commission expires June 18, 2020
Commission number 1242918
Member, Pennsylvania Association of Notaries

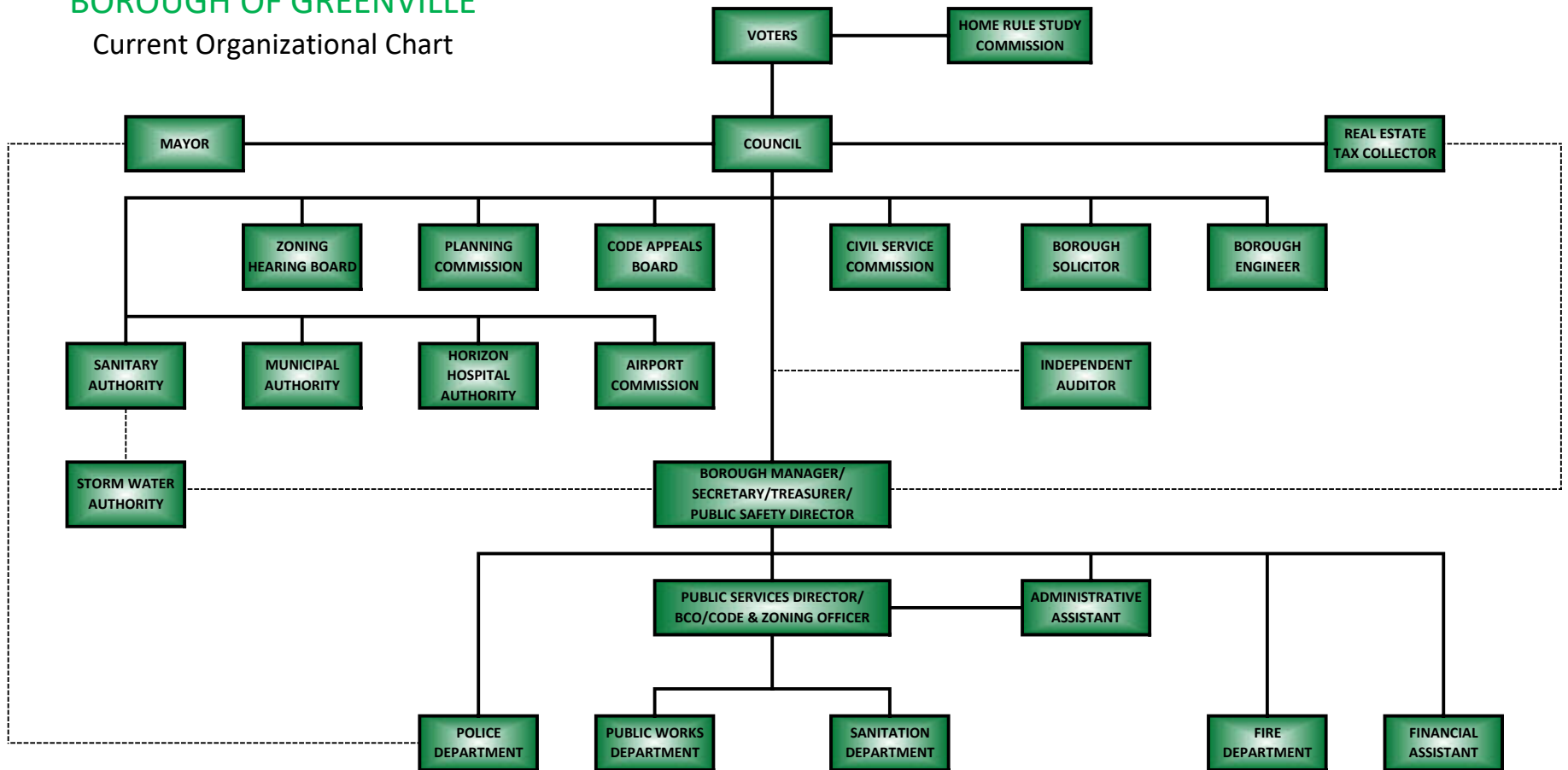


Current and Proposed Organizational Charts



BOROUGH OF GREENVILLE

Current Organizational Chart



Proposed Home Rule Charter for the Town of Greenville

**HOME RULE CHARTER
OF THE
TOWN OF GREENVILLE, PENNSYLVANIA**

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**HOME RULE CHARTER
OF THE
TOWN OF GREENVILLE, PENNSYLVANIA**

PREAMBLE

We, the people of the Borough of Greenville, under the authority granted the citizens of the Commonwealth of Pennsylvania to adopt a home rule charter in the name of the Town of Greenville and exercise the rights of local self-governance, do hereby adopt this home rule charter to establish a government that is accessible, responsive and accountable to the citizens of Greenville and supports the town's efforts to recover from financial distress and develop a foundation for long term financial viability and self-sufficiency.

This charter embodies a council-manager form of government and anticipates and provides opportunities for active participation by the citizens of Greenville.

ARTICLE ONE. FORM OF GOVERNMENT AND POWERS.

1.1 Name of Borough.

1.2 Boundaries.

**ARTICLE ONE
NAME AND BOUNDARIES**

1.1. NAME.

The Borough of Greenville shall hereafter be a Home Rule Charter Municipality under the name of the "Town of Greenville". The Town of Greenville shall continue as a municipal corporation under the provisions of this Charter. Any reference in this Charter to the "Town of Greenville" or to the "Town" shall mean the municipal corporation previously known as Borough of Greenville, Mercer County, Pennsylvania.

1.2. BOUNDARIES.

The boundaries of the Town of Greenville shall be the boundaries of the Borough of Greenville on the effective date of this Charter.

ARTICLE TWO. FORM OF GOVERNMENT AND POWERS.

2.1 Form of Government.

2.2 Powers.

**ARTICLE TWO
FORM OF GOVERNMENT AND POWERS**

2.1. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall, as reflected more specifically in other provisions of the Charter, be and be known as council-manager government.

2.2. POWERS.

The town shall have all powers of local self-government now or hereafter granted to boroughs by the Constitution and laws of the Commonwealth of Pennsylvania, and such further powers as may now or hereafter be granted by the Constitution and laws of the Commonwealth of Pennsylvania. All such powers shall be exercised in the manner prescribed by this Charter or, to the extent not inconsistent with this charter, by ordinances, resolutions, or motions of the Council.

ARTICLE THREE. THE COUNCIL

- 3.1 General Powers and Duties.
- 3.2 Eligibility, Terms, and Composition.
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- 3.15 Codes of Technical Regulations.
- 3.16 Authentication and Recording; Codification; Administrative Code; Printing of Ordinances and Resolutions.

ARTICLE THREE THE COUNCIL

Section 3.1. General Powers and Duties.

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

Section 3.2. Eligibility, Terms, Composition and Training.

- (a) **Eligibility.** Only qualified voters of the town 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 town for a continuous period of one year immediately prior to the date of filing for election and shall remain a resident of the town during the entire term.
- (b) **Terms and Elections.** The term of office of elected officials shall be four years. Municipal elections will be held in the odd numbered years. Three members of council will be elected at-large every two years. Every four years a mayor will be elected as stated in section 3.3(b). Council members filling an

unexpired term will hold the seat until the next general municipal election and can be candidates in that election.

- (c) **Composition.** There shall be a Town Council composed of seven members. Beginning January 1, 2022, and continuing thereafter, one of the Council members shall be the mayor.
- (d) **Council Training.** The Town is committed to the best practices of municipal governance, innovation and administration, including those related to ethics, finances, budgeting, public safety, infrastructure, human resources, planning and development, and current issues facing the Town. To achieve these goals, councilmembers including the mayor shall complete training on the best practices of municipal governance and administration. The Town shall provide Councilmembers with available training. Training shall consist of a minimum of eight contact hours of instruction for new councilmembers and councilmembers who have been re-elected. Council members shall provide the Town Clerk with a copy of any training certification upon completion, which shall be filed with the Town Clerk.

Section 3.3. Office of Mayor.

- (a) **Mayor Elected At Large.** The voters of the Town shall elect a mayor at large for a term of four years. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term. Once the vacant council position is filled in accordance with Section 3.6, Council shall elect a new deputy mayor.
- (b) **Power and Duties.** Beginning January 1, 2022, the mayor shall be a voting member of the Town Council and shall attend and preside at meetings of the council, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual State of the Town message, appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees, and perform other duties specified by the council. The Mayor shall be recognized as head of the Town government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

Section 3.4. Compensation; Expenses.

The Town Council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at

the next regular election. The mayor and council members shall be reimbursed for all authorized business expenses approved by the council.

Section 3.5. Prohibitions.

- (a) **Holding Another Office.** Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other town office or employment during the term for which the member was elected to the council.

Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the town on the governing board of any regional or other intergovernmental agency.

- (b) **Appointments and Removals.** Neither the Town Council nor any of its members shall in any manner control or demand the appointment or removal of any town administrative officer or employee whom the Town Manager or any subordinate of the Town Manager is empowered to appoint, but the council may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.

- (c) **Interference with Administration.** Except for the purpose of inquiries and investigations under section 3.10, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

- (d) **Authority.** All Councilmanic authority shall be asserted by the Councilmanic body only. No individual member of Council shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by Council acting as a body.

- (e) **Eminent Domain.** Council shall have no authority to grant to others by franchise, contract or otherwise its power and right of eminent domain.

Section 3.6. Vacancies; Removal from Office; Filling of Vacancies.

- (a) **Vacancies.** The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

- (b) **Removal from Office.** A council member may be removed from that office:

- (1) by impeachment;
 - (2) by the Governor for reasonable cause after due notice and full hearing on the address of two-thirds of the Senate, or
 - (3) on conviction of misbehavior in office or of any infamous crime.
- (c) **Filling of Vacancies.** If a vacancy shall occur in the Council, the remaining Council members shall fill the vacancy within 60 days by appointing a qualified person as the person being replaced. Such vacancy shall be filled by a majority vote of the remaining members of Council.
- (1) Notice of the vacancy shall be read aloud at the next regularly scheduled meeting of the Council following the vacancy and, within ten days of this meeting, shall be:
 - (a) Posted in conspicuous places in the Town offices;
 - (b) Published in a newspaper of general circulation in the Town.
 - (2) The notice shall contain a schedule of times and places Council will conduct public interviews of all qualified candidates and shall include an invitation to any qualified Town resident who desires consideration to schedule a public interview with Council by informing the Town Clerk of such an intention within 10 days of publication of the notice. The Town Clerk shall inform the mayor, or the deputy mayor when acting as mayor, of all candidates to be interviewed.
 - (3) At a regularly scheduled meeting, held within 60 days after publication of the notice, council shall fill the vacancy by appointing from the candidates interviewed that candidate who receives the majority of votes of the council members present and voting. In the event of a hopeless deadlock, the matter shall be presented to the Court of Common Pleas within 30 days of this meeting, and the Court shall fill the vacancy by appointing a qualified resident of the Town.
 - (4) If a vacancy occurs between the general election and the beginning of the council term of office, the vacancy will be filled by the candidate with the next highest vote who was not elected.
 - (5) Council members filling an unexpired term will hold the seat until the next general municipal election occurring at least 50 days after the vacancy began, and whoever is elected will serve the remainder of the term of the person who was originally elected into the office..

- (6) Except in the case of (4) above, if an incumbent loses reelection in the last general election, he/she will not be eligible for appointment to a vacant council position for four years.

Section 3.7. Judge of Qualifications.

The Town Council shall be the judge of the election and qualifications of its members. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence.

Section 3.8. Town Clerk.

- (a) **Town Clerk.** The Town Council shall appoint an officer of the town who shall have the title of Town Clerk.
- (b) **Duties.** The Town Clerk shall give notice of council meetings to its members and the public, keep the minutes of its proceedings, and perform such other duties as are assigned by this Charter or by the Council or by state law.
- (c) **Town Manager as Town Clerk.** The Town Manager may be designated the Town Clerk and hold both positions unless Council determines it requires two separate positions. In that case, the Town Clerk shall report to and be a subordinate of the Town Manager.

Section 3.9. Treasurer.

- (a) **Treasurer.** The Town Council shall designate a treasurer, who shall be responsible for the receipt and disbursement of funds in accordance with the actions of council.
- (b) **Bond.** The treasurer shall be bonded.
- (c) **Town Manager as Treasurer.** The Town Manager may be designated the Treasurer and hold both positions unless Council determines it requires two separate positions. In that case, the Treasurer shall report to and be a subordinate of the Town Manager.

Section 3.10. Investigations.

- (a) **Investigations.** The Town Council may make investigations into the affairs of the town and the conduct of any town department, office, or agency with respect to any proper subject matter in aid of its legislative functions and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in

the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00).

- (b) **Witness Oath.** The Mayor or the presiding member at any meeting of Council or any committee thereof in connection with an investigation duly authorized in accordance with this Section shall have the power to administer oaths to witnesses.

Section 3.11. Independent Audit.

The Town Council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with section 6.15.

Section 3.12. Procedure.

- (a) **Meetings.** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of three or more members and, whenever practicable, upon no less than twenty-four hours' notice to each member. Except as allowed by state law, all meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session matter which is enumerated in Section 708 of Pennsylvania's Sunshine Act. Council shall announce the reason for such executive session at the public meeting either before or directly after the executive session.
- (b) **Rules and Minutes.** The Town Council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be a public record.
- (c) **Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Four members of the council shall constitute a quorum. Council shall conduct no business in the absence of a quorum.
- (d) **Telecommunication.** Council shall provide for the participation of Council members in Council meetings by means of telecommunication devices, such as telephones or computer terminals, which permit, at a minimum, audio communication between locations, if:
 - (1) A quorum of members is present. A quorum can consist of members not physically present at the meeting but who nonetheless participate in the meeting. A quorum can take official action, provided that the absent

members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously.

- (2) Council has authorized participation by telecommunication device for specific reasons which shall be stated in the codified rules of council as part of the administrative code.
- (3) Nothing in this subsection shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.

Section 3.13. Action Requiring an Ordinance.

(a) **Required Ordinance.** In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Town Council shall be by ordinance which:

- (1) adopt or amend an administrative code or establish, alter, or abolish any town department, commission, office, or an authority;
- (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) levy taxes;
- (4) grant, renew, or extend a franchise;
- (5) regulate the rate charged for its services by a public utility;
- (6) authorize the borrowing of money;
- (7) convey or lease or authorize the conveyance or lease of any lands of the town;
- (8) regulate land use and development;
- (9) amend or repeal any ordinance previously adopted; or
- (10) adopt, with or without amendment, ordinances proposed under the initiative power.

(b) **Ordinance or Resolution.** Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 3.14. Ordinances in General.

- (a) **Form.** Every proposed ordinance shall be introduced in writing, numbered, 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 Town of Greenville hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

- (b) **Procedure.** Except as otherwise provided in Section 3.13, notice of any proposed ordinance to be considered and acted upon by Council shall be announced at any regular or special meeting of the council no more than ninety (90) days and no less than seven (7) days prior to its enactment. Upon introduction of any ordinance at a Council meeting, the Town Clerk shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

- (c) **Effective Date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein with the exception of fiscal matters.

- (d) **Publish Defined.** As used in this section, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to one or more newspapers of general circulation in the town, and, if available, in a web site: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

Section 3.15. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Town Council may adopt one or more emergency ordinances, but such ordinances

may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in section 6.7(b). 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, but the affirmative vote of a majority of the members of the Council present and voting shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to section 6.7(b) shall automatically stand repealed as of the sixty-first 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.

Section 3.16. Codes of Technical Regulations.

- (a) **Adoption.** The Town Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:
- (1) The requirements of section 3.14(b) for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
 - (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the Town Clerk pursuant to section 3.17(a).
- (b) **Availability.** Copies of any adopted code of technical regulations shall be made available by the town clerk for distribution or for purchase at a reasonable price.

Section 3.17. Authentication and Recording; Codification; Administrative Code; Printing of Ordinances and Resolutions.

- (a) **Authentication and Recording.** The Town Clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the town council.

- (b) **Codification.** On an annual basis the Town Council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published, together with this Charter and any amendments thereto, pertinent provisions of the constitution and other laws of the Commonwealth of Pennsylvania, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Greenville Town Code. Copies of the code shall be furnished to town officers, placed in libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) **Administrative Code.** No later than the final meeting in January, each new council shall, by ordinance, adopt an administrative code, as specified in section 3.13(1) above, which shall be binding on both elected officials and administrative employees.
- (d) **Printing of Ordinances and Resolutions.** The Town Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication of the first town code and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the Commonwealth of Pennsylvania or the codes of technical regulations and other rules and regulations included in the code.

ARTICLE FOUR. TOWN MANAGER.

- 4.1 Appointment and Tenure.
- 4.2 Removal.
- 4.3 Acting Town Manager.
- 4.4 Authority and Duties of the Town Manager.

ARTICLE FOUR TOWN MANAGER

4.1. Appointment and Tenure.

- (a) **Appointment.** The Town Council, by a majority vote of its total membership, shall appoint a Town Manager for an indefinite term and fix the manager's compensation. The Town Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local government management. The Town Manager may not hold any elective governmental office.
- (b) **Acting Manager.** In the event that a suitably qualified candidate is not readily available, council may appoint an acting manager on a temporary basis (for a period of time not to exceed one hundred twenty (120) days from the effective date of the vacancy) while continuing to advertise in appropriate periodicals or journals for a qualified candidate. Council shall exert every effort to appoint a qualified manager as promptly and as expeditiously as possible.
- (c) **Tenure.** The Town Manager serves at the will of the council, which, by a majority vote of its total membership, may remove or suspend the town manager with or without cause. The Manager need not be a resident of the town or state at the time of appointment but may only reside outside the town while in office with the approval of the council.
- (d) **Employment Agreement.** No employment agreement between the Town and the Town Manager may limit the council's authority to suspend or remove the Town manager, but the agreement may provide for compensation, benefits and severance such as post-employment payments and benefits.

Section 4.2. Removal.

The Town Council may decide to suspend or terminate the employment of the Town Manager. In such an event Town Council shall notify the Town Manager of its decision to suspend or terminate the manager's employment. As a personnel matter, the circumstances of the suspension or termination shall remain confidential and not subject to public disclosure pursuant to Pennsylvania's Right-to-Know Law.

If following a majority vote of its members, Council decides to remove the Town Manager, it shall notify the manager of its decision and the reasons for removal at least 30 days before removal is to be effective. The Manager may reply in writing and request a public hearing, which shall be held not earlier than 20 days and not later than 30 days after the Manager's request. After the public hearing, if one is requested, and after full consideration, the Town Council by a majority vote of its total membership may adopt a final resolution of removal. The Town Manager shall continue to receive full salary until the effective date of a final resolution of removal.

Section 4.3. Acting Town Manager

The first work day of any calendar year, the Town Manager will notify council of the name of another town employee authorized to assume the Town Manager's duties and responsibilities should the Town Manager be unable to perform them. Such delegation by the manager is subject to Council's power to revoke said delegation and assign it to a different town employee.

4.4. Powers and Duties.

The Town Manager is the chief executive officer of the town and administrative head of town government and is responsible to the council for the general direction, supervision, management and administration of all town affairs and the enforcement of all laws and ordinances, except as otherwise provided by law or by this Charter. The more particular powers and duties of the Town Manager include, but are not limited to, the following:

- (1) appoint and suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The Town Manager may authorize any administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law;
- (3) have the duty to sign such papers, contracts, obligations and documents that are properly presented to the manager as may be required by other applicable laws;
- (4) shall be the purchasing agent for the town;
- (5) attend all Town Council meetings. The Town Manager shall have the right to take part in discussion but shall not vote;

- (6) see that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the Town Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- (7) prepare and submit the annual budget to the Town Council, publish it promptly in media of ready availability to town residents and implement the final budget approved by council to achieve the goals of the town;
- (8) prepare and submit the proposed capital improvements program as detailed in sections 6.12 and 6.13 and publish it promptly in media of ready availability to town residents, containing the improvements scheduled for or proposed for the upcoming fiscal year and for each of at least the three (3) following fiscal years;
- (9) submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- (10) make such other reports as the Town Council may require concerning operations;
- (11) keep the Town Council fully advised as to the financial condition and future needs of the town;
- (12) make recommendations to the Town Council concerning the affairs of the town and facilitate the work of the Town Council in developing policy;
- (13) assist the council to develop long term goals for the town and strategies to implement these goals;
- (14) encourage and provide staff support for regional and intergovernmental cooperation;
- (15) have the authority subject to the final ratification of council, to negotiate intergovernmental cooperation agreements, pursuant to section 5 of article IX of the Constitution of the Commonwealth of Pennsylvania;
- (16) have the authority subject to the final ratification of council, to negotiate collective bargaining agreements with the town's collective bargaining units.
- (17) promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
- (18) the manager shall perform such other duties as are required by council.

ARTICLE FIVE. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

- 5.1 General Provisions.
- 5.2 Personnel System.
- 5.3 Legal Officer.
- 5.4 Land Use, Development, and Environmental Planning.
- 5.5 Community and Economic Development

ARTICLE FIVE ADMINISTRATIVE OFFICERS AND DEPARTMENTS

Section 5.1. General Provisions.

- (a) **Creation of Departments.** The Town Council may establish town departments, commissions, offices, or authorities, in addition to those created by this Charter, and may prescribe the functions of all departments, commissions, offices, and authorities. No function assigned by this Charter to a particular department, commission, office, or authority may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (b) **Administrative Code.** All functions assigned to any department, commission, office, or authority, shall be specified in the administrative code as required in section 3.17(c).
- (c) **Direction by Town Manager.** All departments, commissions, offices, and authorities under the direction and supervision of the Town Manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of Council, the Town Manager may serve as the head of one or more such departments, commissions, offices, or authorities or may appoint one person as the head of two or more of them.

Section 5.2. Personnel System.

- (a) **Merit Principle.** All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- (b) **Police and Fire Personnel System.** A personnel system for police and fire personnel shall be maintained through a Civil Service Commission consistent with applicable state law, as amended and supplemented from time to time, and for overseeing the administration of Civil Service Rules and Regulations.

- (c) **Merit System.** Consistent with all applicable federal and state laws the Town Council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the town's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.
- (d) **Oath of Office.** Every elected or appointed officeholder of the town shall, before entering upon the duties of any office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the Town Clerk, that the officeholder will in all respects faithfully discharge the duties of the office.

Section 5.3. Town Solicitor

- (a) **Appointment, Qualifications and Compensation.** The Council shall appoint a Town Solicitor for an indefinite term and shall fix the solicitor's compensation. The Town Solicitor shall be a person learned in law and with at least five (5) years' experience in active legal practice in the Commonwealth of Pennsylvania with a minimum of three of the five years being in municipal law.
- (b) **Powers and Duties of the Town Solicitor.** The Town Solicitor shall be the chief legal officer of the Town. The solicitor shall have the following powers and duties:
 - (1) The solicitor shall, whenever required, furnish an opinion on any question of law to the council, to the manager, and to all town boards and commissions, which may be submitted in their official capacities.
 - (2) The solicitor shall supervise, direct and control the law matters of the town. No official or official body of the town shall employ additional counsel in pursuance of their official capacities without approval of the council, except that independent counsel shall not be denied to any board or commission should council bring legal action against said board or commission.
 - (3) The solicitor shall commence and prosecute all legal actions brought by the town, as well as defend all actions or suits against the town whether brought against the town generally or against a town officer in pursuance of official duties.
 - (4) The solicitor shall prepare or approve all contracts, bonds and other instruments in which the town is concerned.

- (5) Upon request of the council or of the manager, the solicitor shall prepare or assist in preparing any ordinance or resolution for presentation to the council.
 - (6) Notwithstanding the foregoing, the Solicitor's duties may be delegated by the Solicitor or Council for special matters such as labor negotiations or suits brought against the town covered by liability insurance, etc.
- (c) **Prohibitions.** No member of the Town Council or of any department or agency shall serve as Solicitor for the Town Council nor as Solicitor for any commission, committee or agency in the Town government during the period that the member serves on Council, as a committeeperson or member of any town agency, and for one (1) year thereafter.
- (d) **Removal.** The Council may remove the Town Solicitor at any time, with or without cause.

Section 5.4. Land Use, Development, and Environmental Planning.

Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the Town Council shall:

- (1) designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;
- (2) adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;
- (3) determine to what extent the comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and
- (4) adopt development regulations, to be specified by ordinance, to implement the plan.

The designated agency, the Town Manager, the Mayor and Council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

Section 5.5. Community and Economic Development

The town shall establish a community and economic development capacity as an adjunct to the planning commission and zoning hearing board to facilitate planning, programs and projects focused on the development and/or redevelopment of the borough's economic foundation and housing stock.

ARTICLE SIX. FINANCIAL MANAGEMENT.

Introduction

- 6.1 Fiscal Year.
- 6.2 Submission of Budget and Budget Message.
- 6.3 Budget Message.
- 6.4 Budget.
- 6.5 Council Action on Budget.
- 6.6 Appropriation and Revenue Authorization.
- 6.7 Amendments after Adoption.
- 6.8 Payment of Funds.
- 6.9 Administration and Fiduciary Oversight of the Budget.
- 6.10 Borrowing of Funds.
- 6.11 Temporary Investment of Funds.
- 6.12 Capital Program.
- 6.13 Council Action on Capital Program.
- 6.14 Rate of Taxation
- 6.15 Independent Audit.
- 6.16 Public Records.

ARTICLE SIX FINANCIAL MANAGEMENT

Introduction.

This article provides for the development of a comprehensive financial management program that will permit the town to maintain budgetary, cash, long term and service level solvency in the short and longer term by adherence to nationally recognized fiscal practices for public sector organizations. To assure the integrity of the financial management process, the town recognizes its responsibility to employ a professional finance official to work in conjunction with the Town Manager to effectively fulfill the financial management function.

The budget and the budget approval process constitute the most visible and important activity undertaken by the government. The annual operating budget and multi-year capital plan are the products of the translation of disparate and often conflicting community goals and objectives into comprehensive financial documents. The financial planning process establishes a set of short-and long-term goals for the community and aids in resolving disagreements that arise in the execution of the operations of the government.

The complete financial plan involves two major elements: 1) the current annual budget, and 2) the multi-year capital program which is coordinated with the annual budget.

Section 6.1. Fiscal Year.

The fiscal year of the town shall begin on the first day of January and end on the last day of December.

Section 6.2. Submission of Budget and Budget Message.

On or before the 1st day of November of each year, the Town Manager shall submit to the Town Council a budget for the ensuing fiscal year and an accompanying message.

Section 6.3. Budget Message.

The Town Manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall 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 town's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the Town Manager deems desirable.

Section 6.4. Budget.

Budgets proposed for all of the town's funds shall provide a complete financial plan of all funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Town Manager deems desirable or the Town Council may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property and earned income tax levies, and all proposed expenditures, including debt service, for the ensuing fiscal year and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) the proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit,

and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;

- (2) proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and
- (3) the proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town, and methods to measure outcomes and performance related to the goals. **For any fund the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.**

Section 6.5. Council Action on Budget.

- (a) **Notice and Hearing.** The Council shall publish the general summary of the budget and a notice stating:
 - (1) the times and places where copies of the message and budget are available for inspection by the public, and
 - (2) the time and place, not less than two weeks after such publication, for a public hearing(s) on the budget.
- (b) **Amendment Before Adoption.** After the public hearing the Council may adopt the budget with or without amendment. It 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 an estimated cash deficit, provided that **no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.**
- (c) **Adoption.** The Council shall adopt the budget on or before the 31st day of December of the fiscal year currently ending. **If it fails to adopt the budget by this date, spending levels shall continue as adopted for the previous year for a period not to exceed 60 days.**
- (d) **“Publish” defined.** As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation, and, if available, in a web site.

Section 6.6. Appropriation and Revenue Authorization.

To implement the adopted budget the Council shall adopt, prior to the beginning of the fiscal year:

- (1) a motion to authorize appropriations by department, fund, service, strategy or other organizational unit and authorizing an allocation for each program or activity;
- (2) tax levy ordinances authorizing **the property and non-property tax** levy or levies and setting the tax rate or rates; and
- (3) any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

Section 6.7. Amendments after Adoption.

- (a) **Supplemental Appropriations.** If during or before the fiscal year the Town Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) **Emergency Appropriations.** To address a public emergency affecting the health, safety and welfare of the community or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 3.15. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency or short term loans, which may be renewed from time to time, but the emergency loans and renewals of any fiscal year shall be paid or refinanced as long term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the Manager and recommendations as to any other steps to be taken. The Council shall then take such further legislative action as it deems necessary to prevent or reduce any deficit and for that purpose it may by reduce or eliminate one or more appropriations.

- (d) **Transfer of Appropriations.** At any time during or before the fiscal year, the Council may by resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The Manager may transfer funds among programs within a department, fund, service, strategy or organizational unit and shall report such transfers to the Council in writing in a timely manner.
- (e) **Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, 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.

Section 6.8. Payment of Funds.

No payment of any funds of the town shall be made unless it is provided for in the budget and is approved by council. Payments of payroll and utility charges and other continuing legal obligations based on previously approved council actions or contracts may be made at the discretion of the Town Manager. Directives for payment as approved by town council shall be certified by the Town Manager. Signatories to checks and drafts of the town shall be two of the following: Mayor, Deputy Mayor when acting as Mayor, the Town Manager, Treasurer and an administrative appointee of the Town Manager.

Section 6.9. Administration and Fiduciary Oversight of the Budget.

The Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget to include but not be limited to the timely submission of monthly financial reports based on **generally accepted accounting principles (GAAP)** to Council and quarterly public presentations by the Manager to report on budget implementation and identify issues related to significant variances in budgeted to actual revenues and expenditures.

Section 6.10. Borrowing of Funds.

- (a) **Authorization.** Council may authorize the borrowing of money for any purpose within the scope of powers vested in the town by the Pennsylvania General Assembly, including revolving funds for municipal improvements, and for the issuance of bonds of the town or other evidences of indebtedness. Council may pledge the full faith, credit and resources of the town for the payment of the obligations created thereby.

- (b) **Limitation.** When borrowing over one million dollars, a vote of the majority of Council plus one is required.

Section 6.11. Temporary Investment of Funds.

Council may provide for the temporary investment of town funds in accordance with general statutes that identify investment instruments, insurance or collateralization requirements, and permit cooperative investment programs.

Section 6.12. Capital Program.

- (a) **Submission to Council.** The Manager shall prepare and submit to the Council a multi-year capital program no later than **two** months (September 1) before the final date for submission of the budget.
- (b) **Contents.** The capital program shall include:
- (1) a clear general summary of its contents;
 - (2) identification of the long-term goals of the community;
 - (3) a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
 - (4) cost estimates and recommended time schedules for each improvement or other capital expenditure;
 - (5) method of financing upon which each capital expenditure is to be reliant;
 - (6) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
 - (7) a commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
 - (8) methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.
- (c) **Annual Revision.** The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 6.13. Council Action on Capital Program.

- (a) **Notice and Hearing.** The Council shall publish the general summary of the capital program and a notice stating:
- (1) the times and places where copies of the capital program are available for inspection by the public, and
 - (2) the time and place, not less than two weeks after such publication, for a public hearing(s) on the capital program.
- (b) **Adoption.** The Council by **resolution** shall adopt the capital program with or without amendment after the public hearing and on or before the **15th day of October** of the current fiscal year.

Section 6.14. Taxation.

- (a) **Rates and Levies.** Town Council, concurrent with the adoption of the annual budget, shall by ordinance set tax rates and levies on the various subjects of taxation as permitted by law. Council shall determine the rates of all taxes levied by a vote of the majority of Council plus one.
- (b) **EIT Limitations.** When setting Earned Income Tax (EIT) rates for town residents, Town Council shall not exceed an annual increase of more than .5% and shall not exceed an EIT rate of more than 2.5%.
- (c) **Property Tax Limitations.** When setting real estate tax rate for general purposes, Town Council shall not exceed 30 mills.

Section 6.15. Independent Audit.

- (a) **Annual Audit.** The Council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS).
- (b) **Audit Presentation.** The independent auditor shall present a public review of the audit for the immediately preceding year.
- (c) **Audit Committee.** The Council shall designate no fewer than three of its members to serve as an Audit Committee. This Committee shall:

- (1) lead the process of selecting an independent auditor;
- (2) direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- (3) receive the report of the independent auditor and present that report to the council with any recommendations from the Committee.

(d) **Professional Audit Services.** The Council shall, using a professional services request for proposals (RFP) process, designate such accountant or firm annually, or for a period not exceeding five years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide any other services to the town during the time it is retained to provide independent audits to the town. The Council may waive this requirement by a majority vote at a public hearing. If the state makes such an audit, the Council may accept it as satisfying the requirements of this section.

Section 6.16. Public Records.

Copies of the budget, capital program, independent audits, and appropriation and revenue ordinances shall be public records and readily available to the general public.

ARTICLE SEVEN. CONTRACTS.

- 7.1 Requirements.
- 7.2 Competitive Bids.
- 7.3 Bidding Procedure.
- 7.4 Exceptions to Competitive Bidding.
- 7.5 Maximum Term of Certain Contracts.
- 7.6 Personal Financial Interest.

ARTICLE SEVEN CONTRACTS

Section 7.1. Requirements.

- (a) **Form.** All contracts of the town involving sums in excess of ten thousand (10,000.00) dollars shall be in writing and shall be executed on behalf of the town by the Mayor or, in his absence, the Town Clerk. The Mayor shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Manager shall execute contracts on behalf of the town involving sums of less than ten thousand (10,000.00) dollars made pursuant to budget or other prior authorization. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any officer required to execute a written contract may request the town solicitor to approve the same as to form.
- (b) **Signatories.** Signatories to contracts of the town shall be two of the following: Mayor, Deputy Mayor when acting as Mayor, the Town Manager, Treasurer and an administrative appointee of the Town Manager.

Section 7.2. Competitive Bids.

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

Section 7.3. Bidding Procedure.

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

Section 7.4. Exceptions to Competitive Bidding.

- (a) **Exceptions.** Competitive bidding shall not be required under this Charter for the following:
- (1) labor or services rendered by any town officer or employee;
 - (2) labor, material, supplies, or services furnished by one town department to another town department;
 - (3) contracts for labor, material, supplies, or services available from only one vendor;
 - (4) contracts for labor, material, supplies, or services aggregating less than ten thousand (10,000.00) dollars for the item in the year supplied;
 - (5) contracts relating to the acquisition or use of real property;
 - (6) A request for proposal (RPF) process shall be used to procure professional, personal or unique services and contracts for insurance and surety company bonds;
 - (7) contracts for emergency repair of public works of the town;
 - (8) contracts with other governmental entities, authorities, agencies, or political subdivisions.
- (b) **Authorization.** Written substantiation for procurement from sole, only one source vendors shall be presented to council prior to authorization of a purchase. In all cases where Town Council enters into a contract greater than the dollar threshold amounts established by Town Council without competitive bidding, the ordinance authorizing the contract shall contain a statement specifying the factual basis for invoking one of the exceptions set forth in this section.

Section 7.5. Maximum Term of Certain Contracts.

The term of contracts for the purchase of supplies shall be set by rules of Council in the codified administrative code.

Section 7.6. Personal Financial Interest.

Any town officer or employee who has a substantial financial interest direct or indirect or by reason of ownership of stock in any corporation, in any contract with the town or in the sale of any land, material, supplies or services to the town or to a

contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a town officer or employee in the making of such sale or in the making or performance of such contract. Any town officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the Town Manager or the Town Council.

ARTICLE EIGHT. INITIATIVE AND REFERENDUM.

8.1 Initiative.

8.2 Referendum.

8.3 Initiative and Referendum Proceedings.

ARTICLE EIGHT INITIATIVE AND REFERENDUM

8.1. Initiative.

The registered voters of the town shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning, or salaries of town officers or employees.

8.2. Referendum.

The registered voters of the town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning, or salaries of town officers or employees.

8.3. Initiative and Referendum Proceedings.

(a) **Commencement of Proceeding; Petitioners' Committee; Affidavit.** Any five registered voters may commence initiative and referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance, or citing the ordinance sought to be reconsidered.

(b) Petitions.

(1) **Number of Signatures.** Initiative and referendum petitions must be signed by registered voters of the town equal in number to at least five percent of the total number of registered voters as of the last regular municipal election.

- (2) **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 or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) **Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the 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.
- (4) **Time for Filing Referendum Petitions.** Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

(c) Procedure after Filing.

- (1) **Certificate of Clerk; Amendment.** Within twenty days after the petition is filed, the Town 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 it with the Clerk within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of section 8.3(b), and within five days after it is filed the 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 petitioners' committee does not elect to amend or request Council review under paragraph (2) of this subsection within the time required, the Clerk shall promptly present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (2) **Council Review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if

an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(3) **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.

(d) **Referendum Petitions; Suspension of Effect of Ordinance.** When a referendum petition is filed with the Town 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 or
- (2) The petitioners' committee withdraws the petition or
- (3) The Council repeals the ordinance or
- (4) Thirty days have elapsed after a vote of the town on the ordinance.

(e) **Action on Petitions.**

(1) **Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Section 3.14 or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the town.

(2) **Submission to Voters of Proposed or Referred Ordinances.** The vote of the town on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) **Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day

scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) Results of Election.

- (1) **Initiative.** If a majority of the registered voters 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 ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) **Referendum.** If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

**ARTICLE NINE.
CHARTER AMENDMENTS AND CHARTER REVIEW COMMISSION.**

- 9.1 Charter Amendments
- 9.2 Charter Review Commission

**ARTICLE NINE
CHARTER AMENDMENTS AND CHARTER REVIEW COMMISSION**

9.1. Charter Amendments.

- (a) **General Charter Amendments.** No earlier than January 1, 2021, amendments to this Charter may be submitted to the registered voters of the town by a majority of councilmembers plus one vote of all councilmembers and, upon petitions signed by 10 percent of the registered voters of the town proposing an amendment, shall be submitted to the voters by Council. If any amendment is approved by a majority of those voting on the amendment, it shall become a part of the Charter of the town, except that if two or more inconsistent amendments on the same subject are submitted at the same election and each is approved, only the amendment receiving the largest affirmative vote shall become a part of the Charter. A copy of the Charter or any amendment shall be certified to the secretary of state within 30 days after its adoption by the registered voters.
- (b) **Amending the Form of Government.** Any charter provisions that involve the form of government may not be amended until January 1, 2025.

9.2. Charter Review Commission.

In January of 2025 and each tenth year thereafter, five registered voters of the town shall be elected as members of the Charter Review Commission in the preceding November election. Members of the Commission shall not hold any other office or position of employment with the town. The Commission shall review the Charter and within six months after the appointment of its members the Charter Review Commission will adopt recommendations by a majority vote. Council shall submit any proposed amendments recommended by the commission to a vote of the people in the manner provided under this Charter and the state Constitution. Amendments shall be in the form provided by Council.

ARTICLE TEN. TRANSITION AND SEVERABILITY.

Section 10.1 Officers and Employees.

Section 10.2 Pending Matters.

Section 10.3 State and Municipal Laws.

Section 10.4 Schedule.

Section 10.5 Severability.

**ARTICLE TEN
TRANSITION AND SEVERABILITY**

Section 10.1. Officers and Employees.

- (a) **Terms of Council Members.** Nothing in this Charter except as otherwise specifically provided shall affect or impair the terms of current members of the pre-existing Borough of Greenville Council.
- (b) **Rights and Privileges Preserved.** Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of pre-existing appointed Borough of Greenville officers, employees, members of commissions and boards.
- (c) **Personnel System.** An employee holding a pre-existing Borough of Greenville position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in section 5.2.

Section 10.2. Pending Matters.

- (a) **Successor in Interest.** The Town shall be the successor in interest to the Borough of Greenville in all respects and shall continue to own, possess, exercise, control and enjoy all of the property, rights, privileges and obligations of the Borough of Greenville whether absolute, conditional, accrued or inchoate, as the case may be, as of the effective date of this Charter. All rights of action, suits and prosecutions pending or to be instituted to enforce any right or penalty accruing, or to punish any offense committed, prior to the effective date of this Charter, shall continue with the same force and effect thereafter.
- (b) **Continuation of Official Actions.** Borough of Greenville's ordinances, resolutions, taxes, assessments, fines, penalties and other pre-existing official actions in effect on the effective date of this Charter shall remain in effect until

they expire by their terms or are amended or repealed under the applicable provisions of this Charter.

Section 10.3. State and Municipal Laws.

All Borough of Greenville ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the Commonwealth of Pennsylvania permit, all laws relating to or affecting this town or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Section 10.4. Schedule.

- (a) **Effective Date.** Except as noted below, on January 1, 2020, all provisions of **Articles One, Two, Four, Five, Six, Seven, Eight, Nine, and Ten**, along with all their sections and sub-sections, will become effective immediately. **Article Three, section 3.1** and **sections 3.3(b)** through **3.17** inclusive will also immediately become effective. **Section 3.17(c)** becomes effective January 1, 2021. The remaining sections of the charter will become effective January 1, 2022.
- (b) **Act 47 Recovery Plan Amendment/Exit Plan.** Notwithstanding the foregoing, the pre-existing Borough of Greenville is subject to an Act 47 Recovery Plan Amendment/Exit Plan, which was adopted by Ordinance 1586 on April 8, 2019. The terms of the Act 47 Recovery Plan will prevail in the event of a conflict with this Charter until said time as the Act 47 Recovery Plan is completed.

Section 10.5. Severability.

If any provision of this Charter is held invalid by a court of competent jurisdiction, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.