

DRAFT

**PROPOSED
HOME RULE CHARTER
FOR THE CITY OF
HAZLETON**

**PREPARED BY
THE HAZLETON CITY GOVERNMENT STUDY COMMISSION
AS OF JULY 1, 2026**

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PREAMBLE

We, the people of the City of Hazleton, under the authority granted by Article IX, Section 2 of the Constitution of the Commonwealth of Pennsylvania and the Home Rule Charter and Optional Plans Law, do hereby ordain and adopt this Home Rule Charter.

We do so to secure the fullest measure of local self-government permitted by law and to establish a municipal government that is responsive, accountable, transparent, efficient, and fiscally responsible.

Through this Charter, we affirm that governmental authority exists to serve the public interest through ethical leadership, responsible stewardship of public resources, professional administration, meaningful citizen participation, and faithful adherence to the rule of law.

We further declare that the legislative and executive powers of the City shall remain separate and independent, that public officials shall be accountable to the people they serve, and that the City shall exercise its powers in a manner that promotes public safety, economic opportunity, responsible development, sound financial management, and the general welfare of present and future generations.

Therefore, relying upon the principles of representative democracy and local self-government, we adopt this Home Rule Charter as the fundamental law of the City of Hazleton.

Article I General Powers

§ 1.01 Name and Authority

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

§ 1.02 Boundaries

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

§ 1.03 Grant of power

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

§ 1.04 Exercise of powers

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

§ 1.05 Construction

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

§ 1.06 Intergovernmental Relations

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

§ 1.07 Requirement to Act

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

§ 1.08 Conduct of City Business

The language for the conduct of City business and for judicial review including the preparation of records, ordinances, resolutions, notices, policies, contracts and administrative communication shall be English, except where otherwise required by federal or state law. Nothing herein shall prohibit the City from providing translation, interpretation, multilingual communications, or other language-access services for residents, visitors, employees, applicants, or members of the public or as required by law. The City may adopt administrative policies governing language-access services..

§ 1.09 Protection of Residential Neighborhoods.

The City desires to foster and promote the continued vital and necessary quality of life for its residents and their neighborhoods. It shall be the duty of the City to preserve and protect the residential character of its neighborhoods. City Council may enact ordinances regulating land uses, including the location and operation of businesses involving the sale of alcoholic beverages, gaming activities, and other commercial uses that are not wholly in keeping with the quality of life and pursuit of happiness of its residents, to the fullest extent permitted by the Constitution and laws of the Commonwealth of Pennsylvania.

Article II City Council

§ 2.01 General Powers and Duties

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

§ 2.02 Composition and Method of Election

The Council shall be composed of five (5) members elected at large by the voters of the City.

§ 2.03 Qualifications

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

§ 2.04 Election and Term of Office

The regular election of Council members shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania. The terms of Council members shall be staggered and begin at 10 a.m. local time on the first Monday of January following the municipal general election and shall be for four (4) years.

§ 2.05 Requirements of Office

- (a) Oath of Office. Prior to taking their Council seat, each duly elected Councilmember shall take an oath of office. The format for the oath shall be "I swear or affirm that I meet all the qualifications of office and will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I shall discharge the duties of my office with fidelity" or such other oath as Council may prescribe. The oath or affirmation may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania. No person shall be permitted to assume the office of Councilmember until the oath, in written form, has been filed with the Clerk of Council.
- (b) The City Council in place at the time of verification of municipal election results may request that the Hazleton Police Department confirm the eligibility of the Mayor-elect or Council-elect via a background check limited to a finding of qualifications and eligibility. The City Council in place at the time of verification of municipal election results may petition the Court of Common Pleas in a quo warranto action, to declare a Mayor-Elect or Councilperson-Elect ineligible to serve.
- (c) Required orientation for Councilmembers. Every Councilmember, upon certification of their election to their initial full term of office, shall be required to satisfactorily complete a basic orientation on Home Rule Law, the Charter and the Administrative Code (after adoption). Such course(s) may be directed and administered by the

Office of Law, with assistance from the Pennsylvania DCED, the Bar Association, and any other resources the Solicitor deems appropriate. City Council shall provide sufficient funds to ensure a thorough and professional orientation. Any Councilmember who, in the determination of the Solicitor, completes this course within four months of the certification of their election to their initial full term will receive a completion stipend of \$250. Council may change the amount of the completion stipend by ordinance.

§ 2.06 Council Organization

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

§ 2.07 Clerk of Council

At its organizational meeting City Council, by majority vote, shall appoint an officer of the City who shall have the title of Clerk of Council. The Clerk of Council shall be responsible for giving notice of council meetings to its members and the public, keeping the journal of its proceedings and perform such other duties as are assigned to them by this Charter, the Administrative Code or by Council.

§ 2.08 Quorum

A quorum shall be three (3) members of Council physically present at the designated meeting place in order to conduct the business of Council.

§ 2.09 Prohibitions

A Councilmember shall not:

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

§ 2.10 Forfeiture of Office

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

- (a) Lacks at any time during the term of office any qualification or requirement for the office prescribed by this Charter or by law;
- (b) Violates any express prohibition of this Charter;

- (c) Is convicted, during the term of office, of any crime classified as a felony, under the laws of the Commonwealth of Pennsylvania or the United States or of any comparable crime in any other State.
- (d) Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully.
- (e) Commits misfeasance in office, which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner.
- (f) Following action by the Luzerne County Court of Common Pleas, is found or declared no longer competent and incapable of conducting their own affairs
- (g) In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council prior to the Council meeting at which such forfeiture is to be acted on in accordance with administrative procedures to be established by Council.

§ 2.11 Vacancies

- (a) The office of Council member shall become vacant upon:
 - i. Death,
 - ii. Resignation upon its acceptance by Council,
 - iii. Removal from office in any manner authorized by this Charter or applicable law,
 - iv. Forfeiture of office.
- (b) A vacancy in the Council shall be filled by a majority vote of the remaining members of Council. In the case of a tie vote by Council, the Mayor shall break the tie. The appointed individual shall meet all of the qualifications and requirements of office as provided for in this Charter and by applicable law.
- (c) Upon a vacancy occurring in the office of a member of Council, the Council shall fill the vacancy within 30 days following the next regular or special Council meeting by appointing, by resolution, a person to hold the office who is of the same political affiliation declared by the previous officeholder at their last election to that office, until the first Monday in January after the first municipal election occurring more than 200 days after the vacancy occurs, at which election a person shall be elected to the office for the remainder of the term.
- (d) If the vacancy is not filled by Council vote under § 2.11 (c) and within 15 days thereafter, either the remaining members of Council, or 10 qualified voters of the City, shall petition the Luzerne County Court of Common Pleas to fill the vacancy by the appointment of a person who is of the same political affiliation as declared by the previous officeholder at their last election to that office. This appointee will serve until the first Monday in January following the first municipal election that takes place

more than 200 days after the vacancy. At that election, a person will be elected to serve the remainder of the term.

- (e) If, at any time, vacancies should occur or exist in the membership of all members of Council, the Luzerne County Court of Common Pleas shall, upon petition of 10 qualified electors, appoint a council of persons properly qualified to serve the specific elective terms of the vacated council seats and who are of the same political affiliation declared by the previous officeholders when last elected to that office.

§ 2.12 Participation by Telecommunication/Electronic Devices

- (a) A member of Council may participate in Council meetings by means of telecommunication devices, such as telephones or electronic terminals, which permit, at a minimum, audio communication between locations, if all of the following conditions apply:
 - (b) A majority of the members of Council then in office is physically present at the advertised meeting place within the City and a quorum is established at the convening or reconvening of the meeting.
 - (c) The telecommunication device used permits the member and members of Council physically present at the meeting to:
 - i. speak to and hear the comments and votes, if any, of the members of Council who are physically present, as well as other members of Council who may not be physically present and are also using a telecommunication device to participate in the meeting;
 - ii. speak to and hear the comments of the public who are physically present at the meeting.
 - iii. permit the members of Council and the members of the public who are physically present at the meeting to speak and hear the comments and the vote, if any, of the member or members of Council who are not physically present at the meeting.
 - (d) Council may provide additional provisions for participation by telecommunication in the Administrative Code

§ 2.13 Compensation

- (a) Commencing on January 1, 2028, each Council member shall receive a flat rate annual stipend of a minimum of \$3,750 unless changed by ordinance prior to the effective date of this Charter.
- (b) Council may alter by ordinance the stipend of Council and such ordinance must be finally enacted no later than February 1 of each year where a regular municipal

election occurs. A change in the compensation of Council will not take effect until the date of the commencement of the terms of Council members next elected at the regular municipal election and thereafter, following adoption of the ordinance.

- (c) Council shall determine the frequency of compensation by ordinance.
- (d) Council members shall be eligible to receive other benefits as deemed appropriate and included in the compensation ordinance, but shall not receive additional payment for declining said benefits.
- (e) A Council member may receive reimbursement for reasonable expenses paid by them in the performance of their duties, such as lodging, parking, education, training, and transportation expenses as authorized beforehand by Council.

§ 2.14 Procedures

- (a) **Rules.** Council shall determine its own rules and Order of Business. Such rules shall be designed to ensure full and equal participation in the deliberations of the Council by all of its members.
- (b) **Meetings.** Council shall schedule a regular meeting for at least once each month and convene with a quorum present a minimum of ten (10) meetings per year. All regular meetings shall be convened no earlier than 5:30 pm and no later than 8:00 pm on a day and at a place as the Council may prescribe by resolution.
- (c) **Special meetings.** Special meetings may be held on the call of the President of Council or the Mayor, or by at least two (2) members of Council, requesting in writing to the Clerk of Council, at such time and place and under such conditions as the Council may prescribe by rule.
- (d) **Meetings open to the public.** All meetings shall be open to the public, except for executive sessions as authorized by law and shall be advertised pursuant to applicable law. The public shall be notified of meetings in executive session in accordance with applicable law.
- (e) **Mayor Attendance at Meetings.** Council may request the Mayor to attend public Council meetings. If in attendance, the Mayor may participate in all public discussions of Council but have no vote except under § 2.11 (b) of this Charter.
- (f) **Official Actions.** Official actions of the Council may be taken by adoption of an ordinance, a resolution, or a motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Council shall be by resolution or motion, unless otherwise required by applicable law, this Charter, the Administrative Code or the rules of

Council procedure.

- (g) **Voting.** All action shall be at a public session; and shall require a majority vote of Council, except in the case of a vote to override a mayoral veto, which shall require an affirmative vote of a majority plus one of its members or except as otherwise provided by applicable law. Voting shall be by ayes and nyes except for votes on resolutions and ordinances which shall be by roll call vote and the vote of each member shall be entered into the minutes of the meeting.
- (h) **Minutes.** The Council shall provide for keeping minutes of its proceedings. The minutes shall be a public record and shall be maintained in the office of the Clerk of Council.

Article III Mayor

§ 3.01 General Powers and Duties

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

§ 3.02 Qualifications

Only qualified voters of the City who are at least 25 years of age on the date of the beginning of the term of office and have resided and maintained their domicile continuously in the City for two years prior to the date of the general municipal election for Mayor shall be eligible to hold the office of Mayor. The Mayor shall reside in the City throughout the term of office.

§ 3.03 Election and Term of Office

The regular election of Mayor shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania. The Mayor shall be elected at large for a term of four years which term shall begin at 10 a.m. local time on the first Monday of January next following the municipal election.

§ 3.04 Requirements of Office

- (a) Oath of Office. Prior to taking the office of Mayor, the duly elected Mayor shall take an oath of office. The format for the oath shall be “I swear or affirm that I meet all the qualifications of office and will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I shall discharge the duties of my office with fidelity and that I have maintained my domicile in the City for two years prior to my election” or such other oath as Council may prescribe. The oath or affirmation may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania. No person shall be permitted to assume said office until the oath, in written form and executed, has been filed with the Clerk of Council.
- (b) Required Orientation for Mayor. Every Mayor, upon certification of their election to their initial full term of office, shall be required to satisfactorily complete a basic orientation on Home Rule Law, the Charter and the Administrative Code (after adoption). Such course(s) may be directed and administered by the Office of Law, with assistance from the Pennsylvania DCED, the Bar Association, and any other resources the Solicitor deems appropriate. City Council shall provide sufficient funds to ensure a thorough and professional orientation. Any Mayor who, in the determination of the Solicitor, completes this course within four months of the certification of their election to their initial full term will receive a completion stipend of \$250. Council may change the amount of the completion stipend by ordinance.

§ 3.05 Prohibitions

- (a) No individual serving as Mayor shall hold an elected office of:
- i. the United States;
 - ii. the Commonwealth;
 - iii. the County;
 - iv. a school district located in the City;
- nor serve as an officer or employee of the City of Hazleton except as provided for in § 3.09 (p) of this Charter.
- (b) No individual while serving as Mayor may run for another elected office. In the event that a current Mayor decides to run for another elected office, they shall resign from the office of Mayor within 30 days of the acceptance of a petition for said office by the Luzerne County Bureau of Elections or the applicable office or agency.

§ 3.06 Forfeiture of Office

An individual serving as Mayor shall forfeit their office if the individual:

- (a) lacks at any time during the term of office any qualification or requirement for the office prescribed by this Charter or by law;
- (b) violates any express prohibition of this Charter;
- (c) following action by the Luzerne County Court of Common Pleas finding/declaring that the Mayor is incompetent and incapable of conducting their own affairs;
- (d) Is convicted during their term of office, of any crime classified as a felony, under the laws of the Commonwealth of Pennsylvania or the United States or be convicted of any comparable crime under the laws of any other state in the United States;
- (e) commits malfeasance in office, which shall be defined as an unlawful official act committed willfully;
- (f) commits misfeasance in office, which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner.
- (g) In all cases of forfeiture, the Mayor shall be entitled to notice and a hearing before Council prior to the Council meeting at which such forfeiture is to be acted on in accordance with administrative procedures to be established by Council.

§ 3.07 Vacancies

- (a) The office of Mayor shall become vacant upon:
- i. death,
 - ii. resignation,
 - iii. removal from office in any manner authorized by law
 - iv. forfeiture of office.
- (b) A vacancy in the office of Mayor shall be filled by resolution of a majority vote of the current Council. The appointed individual shall be of the same political affiliation as the previous officeholder when last elected to that office and shall meet all of the

qualifications and requirements of office as provided for in this Charter and by applicable law.

- (c) If the Council fails to act within 45 days following the next Council meeting after the occurrence of the vacancy, the President Judge of the Court of Common Pleas of Luzerne County shall, upon petition of three members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City of the same political affiliation declared by the previous officeholder at their last election to that office.
- (d) The appointed individual will remain in office until the first Monday in January following the next general municipal election that occurs at least 200 days after the vacancy occurs. At such general municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term.

§ 3.08 Compensation

- (a) The Mayor shall receive an annual salary as established by Council by ordinance. The salary of the Mayor shall be no less than the current base salary as set by ordinance for the first year of the initial mayoral term as of the effective date of this Charter. Council may alter the salary by ordinance, but such ordinance shall be enacted no later than February 1 of the year when a Mayoral election occurs and will not take effect until the date of the commencement of the term of Mayor elected at the next regular municipal election following adoption of the ordinance. The salary of the current Mayor on the effective date of this Charter shall be without change as specified in the salary ordinance for the duration of their terms in office.
- (b) As a general rule, the Mayor shall be eligible to receive any benefits provided to City employees as deemed appropriate and included in the compensation ordinance.
- (c) The Mayor may receive reimbursement for reasonable expenses paid by them in the performance of their duties, such as lodging, parking, education, training, and transportation expenses.

§ 3.09 Powers and Duties of the Mayor

- (a) Direct and supervise the executive and administrative affairs of the City.
- (b) Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.

- (c) Provide for the preparation and presentation of the annual budget and capital plan to City Council in accordance with the provisions of this Charter and the Administrative Code.
- (d) Report annually to City Council at a public meeting on the State of the City by March 31 of the current year for the previous year.
- (e) Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.
- (f) Voluntarily attend any or all public meetings of Council. If in attendance, the Mayor may participate in all public discussions of Council but have no vote except under § 2.11 (b) of this Charter.
- (g) Provide proposed legislation to Council, recommend agenda items and make recommendations for action by City Council on affairs of the City and as deemed in the best interest of the City.
- (h) Veto any ordinance adopted by Council.
- (i) Nominate members of authorities, boards and commissions to Council for approval by a majority vote of Council. Said members shall serve terms as provided by applicable law, this Charter, the Administrative Code or applicable ordinance.
- (j) Execute all bonds, notes, contracts, and written obligations of the City as approved by Council or when required by this Charter or by applicable law.
- (k) Negotiate and contract as provided under Article VIII Contracts.
- (l) Issue a declaration in writing proclaiming a state of emergency exists as a result of any natural or other disaster. The Mayor shall direct all necessary actions as required by the emergency. Council shall consider the continuation of said emergency at a special meeting within forty-eight (48) hours of its declaration. Approval by a majority of Council shall be required for the continuation of said emergency beyond forty-eight (48) hours. Said emergency shall cease upon the Mayor's notice in writing to Council that the emergency has ended or on the 30th day following continuation by Council, whichever shall occur first unless extended by a majority vote of Council.
 - i. Any emergency powers that Council may establish by ordinance shall fall upon the Mayor, unless Council, at the time of a specific emergency or disaster, shall determine that such emergency powers shall be exercised otherwise.
- (m) Request that Council convene a special meeting to address and act upon necessary or unforeseen items and enable emergency powers to be more fully utilized in order to preserve the health, safety and welfare of city residents.

- (n) Appoint the Chief Administrative Director and Administrative Directors by and with the consent of a majority vote of Council. Remove any Director, and provide written notice of such action to the Council, as well as complying with any other provisions for removal.
- (o) Direct and supervise all departments, offices, agencies and employees of the City in the performance of their duties, except as otherwise provided by this Charter, the Administrative Code, collective bargaining agreements, or by applicable law and may set aside any action taken by any of them and supersede any of them in the functions of their office.
- (p) Designate the Chief Administrative Director or an Administrative Director to temporarily perform the duties of the office of the Mayor as a result of a leave of absence or disability. During such absence the person so designated by the Mayor shall possess all the rights, powers and duties of the Mayor until the Mayor returns or the Mayor's disability cease. Whenever the Mayor has been unable to attend to the duties of the Office of the Mayor for a period of 60 consecutive days for any of the reasons stated in this section, the Chief Administrative Director or an Administrative Director shall be appointed by the Council to serve as acting Mayor, who shall succeed to all the rights, powers and duties of the Mayor or the then acting Mayor, until the Mayor returns or his disability ceases.
- (q) Serve as, or make an appointment of, a temporary director of any Department or its subordinate functional areas for a period of no more than 90 days. Such service, appointment, or period shall not be extended without approval of an affirmative vote of a majority of Council.
- (r) Provide for the promulgation of rules and regulations concerning the administration and enforcement of the purpose and intent of all official ordinances, resolutions of Council and regulations for any department or its subordinate functional areas issued under the authority of Council and which are deemed necessary for the conduct of City business.
- (s) Be responsible for the employment of personnel necessary for the effective operation of City government. Appoint, suspend or remove any City employee, except as otherwise provided by this Charter, the Administrative Code, collective bargaining agreements or by applicable law.
- (t) Actively promote economic development to broaden and strengthen the commercial and employment base of the City. Encourage programs for the physical, economic, social and cultural development of the City.
- (u) Encourage and support regional and intergovernmental cooperation.
- (v) Perform such other duties and exercise such other powers as stated in this Charter, the Administrative Code, by applicable law, or ordinance.

Article IV Office of Law

§ 4.01 General Powers and Duties

The Office of Law shall at all times employ a City Solicitor who shall be the chief legal advisor of the City and shall have the direction and control of all legal matters of the City. The City Solicitor shall act at all times on behalf of the City as their client and shall owe the highest duties of loyalty, independent judgment, and professional responsibility to the City. The Solicitor shall perform any other duties prescribed by state law, by this Charter, the Administrative Code or by ordinance.

§ 4.02 Qualifications

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

§ 4.03 Appointment, Term of Office, Removal

- (a) The Solicitor shall be recommended for appointment by the Mayor, by and with the advice and consent of a majority vote of the Council and shall serve for an indefinite term.
- (b) The Solicitor shall be removable from office either:
 - i. upon recommendation by the Mayor with a majority vote by Council approving;
 - ii. by action of Council by a majority vote plus one

§ 4.04 Requirements of Office - Insurance

The City Solicitor and any outside legal counsel retained by the City shall maintain professional liability insurance in commercially reasonable amounts during the term of representation and shall provide proof of such coverage upon request of the City.

§ 4.05 Compensation

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

§ 4.06 Powers and Duties of the Solicitor

- (a) Represent the City with the City as the client in all legal matters and serve as the chief legal advisor to the Mayor, Council, and all City departments, offices and all boards and commissions except those requiring special legal counsel including the Zoning Hearing Board which shall have independent counsel.

- (b) Oversee and approve, as directed by resolution or ordinance, all bonds, obligations, contracts, leases, conveyances and assurances to which the City or a City department is a party.
- (c) Oversee litigation by or against the City or a City officer, in the City officer's official capacity, including:
 - i. Filing of a municipal claim or lien;
 - ii. Administrative practices.
- (d) Perform any action incident to the office which the City solicitor may be lawfully authorized and required to do by the Mayor or by any ordinance or resolution of Council.
- (e) The City Solicitor shall provide written opinions on questions of law submitted by any of the following:
 - i. City Council after receiving written request from 2 or more members;
 - ii. The Mayor;
 - iii. Any appointed City official designated by Council as authorized to request a written legal opinion.
 - iv. Council may provide for the regulation of the manner in which questions are presented to the Solicitor by any appointed City official and may limit the questions submitted in the manner Council may direct.
- (f) Perform such other duties as may be required by the Mayor and/or Council, as prescribed by law, this Charter or the City Administrative Code.

§ 4.07 Assistant Solicitor

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

§ 4.08 Special Counsel

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

Article V Appointed Officials

§ 5.00 General Rule Chief Administrative Director and Administrative Directors

The City shall have and employ a Chief Administrative Director and individual Administrative Directors for Business and Finance, Public Safety, Public Service, and Public Works. The City may have such other departments when appropriate and necessary as Council may establish by ordinance.

All of the administrative functions, powers and duties of the City, other than those vested in the office of the Clerk of Council and the Office of Law, shall be under the direction of the Chief Administrative Director and allocated and assigned among and within the above departments. The Chief Administrative Director shall serve under the supervision and direction of the Mayor.

§ 5.01 Chief Administrative Director, Qualifications, Appointment, Term and Compensation, Vacancy

- (a) **Position Description.** The Chief Administrative Director serves as the chief administrative officer of the City and is accountable to the Mayor for the administration of all City affairs placed in the Chief Administrative Director's charge by this Charter, the Administrative Code, or applicable law. The Chief Administrative Director supervises and supports the Directors of Business and Finance, Public Safety, Public Service, and Public Works in collaboration with the Mayor to improve the quality and efficiency in the delivery of municipal services and the implementation of key strategic initiatives.
- (b) **Qualifications.** The Chief Administrative Director shall be appointed solely based on relevant education, training, administrative abilities and experience in the accepted competencies and practices of local government management; and such other qualifications as may be set forth in this Charter, the Administrative Code and applicable law.
- (c) **Appointment and Term.**
 - i. Following a nomination by the Mayor for the position of Chief Administrative Director, City Council, by a majority vote of its total membership, shall either approve or deny the appointment at the first regularly scheduled public meeting of the Council following the date of notice of nomination by the Mayor. A failure of Council to act upon the nomination at such meeting shall be considered an approval of the nomination.
 - ii. If the appointment is denied by City Council, the Mayor shall nominate other eligible candidates and City Council shall either approve or deny the appointments at the first regularly scheduled public meeting of the Council following the date of notice of such nomination by the Mayor. A failure of Council to act upon the nomination at such meeting shall be considered an approval of the nomination.

- iii. The appointment of the Chief Administrative Director shall be for an indefinite term.
- (d) **Compensation.** Prior to nomination the Mayor may negotiate an employment contract with the Chief Administrative Director, which may stipulate terms of employment, other employment benefits, and severance pay, subject to the limitations of this Charter, the Administrative Code, and applicable law. Council shall approve such employment contract by majority vote.
- (e) **Vacancy.** Following a vacancy in the office of Chief Administrative Director, the Mayor shall appoint a person as Acting Chief Administrative Director. The Acting Chief Administrative Director shall have the duties and powers of the Chief Administrative Director until a person is presented as a nominee to City Council and his or her nomination is approved by City Council as provided under §5.01(b) of this Charter. A nomination by the Mayor must occur within 60 days of the appointment of Acting Chief Administrative Director. The Acting Chief Administrative Director shall be eligible for nomination by the Mayor for the position of Chief Administrative Director.
- (f) **Removal.** The Mayor may, in their discretion, remove the Chief Administrative Director subject to provisions of any employment agreement in effect, after giving a fourteen (14) day notice to the Chief Administrative Director and providing them with an opportunity to be heard.
 - i. Prior to removing the Chief Administrative Director, the Mayor shall first file written notice of the removal and the reason for removal with the Council, and the removal shall become effective fourteen (14) days after the filing of the notice to Council.
 - ii. The Mayor may suspend the Chief Administrative Director immediately if circumstances warrant. In such case, the Mayor shall file written notice of the suspension and the reason for the suspension with Council as required for removal under §5.01(e) ii, but such filing shall not otherwise delay the effective date of the suspension.

§ 5.02 Powers and Duties of the Chief Administrative Director

The Chief Administrative Director shall:

- (a) Recommend the appointment of Administrative Directors , subject to the approval of the Mayor and Council.
- (b) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter, the Administrative Code, or by applicable law.

- (c) Appoint, suspend, or remove, subject to approval by the Mayor, any City employee or appointive administrative officer provided for by or under this Charter, except as otherwise provided by applicable law, this Charter, the Administrative Code, collective bargaining agreements, or personnel rules adopted pursuant to this Charter.
- (d) Attend all City Council meetings and have the right to take part in discussions.
- (e) Assist the Mayor in the preparation of the annual budgets and capital program and assist in the implementation of the final budgets approved by Council to achieve the goals of the City.
- (f) Make such reports concerning operations of the departments and recommend plans, performance measures, and benchmarks to the Mayor to achieve the goals of the City.
- (g) Keep the Mayor and City Council fully advised as to the financial condition and future needs of the City.
- (h) Provide staff support services for the Mayor.
- (i) Perform such other duties as are specified in this Charter, the Administrative Code or as assigned by the Mayor.

§ 5.03 Administrative Directors Qualifications, Appointment, Compensation, Vacancy and Removal

- (a) **Qualifications.** Administrative Directors shall be selected solely based on relevant education, training, administrative abilities and experience in the accepted competencies and practices of local government management; and such other qualifications as may be set forth in this Charter, the Administrative Code and applicable law.

(b) Appointment and Term.

- i. Individual Administrative Directors shall be appointed for Business and Finance, Public Safety, Public Service, and Public Works. Following a recommendation by the Chief Administrative Director and nomination by the Mayor for the position of Administrative Director, City Council, by a majority vote of its total membership, shall either approve or deny the appointment at the first regularly scheduled public meeting of the Council following the date of notice of nomination by the Mayor. A failure of Council to act upon the nomination at such meeting shall be considered an approval of the nomination.
- ii. If at the first regularly scheduled public meeting of the Council following the date of notice of nomination by the Mayor the appointment is denied by City Council,

the Mayor shall nominate eligible candidates and City Council shall either approve or deny the appointments at the first regularly scheduled public meetings of the Council following the date of notice of nomination by the Mayor.

iii. All appointments shall be for an indefinite term.

(c) **Compensation.** Prior to nomination the Mayor may negotiate an employment contract with each Administrative Director, which may stipulate terms of employment, other employment benefits, and severance pay, subject to the limitations of this Charter, the Administrative Code, and applicable and applicable law. Council shall approve such employment contract by majority vote.

(d) **Vacancy.** Following a vacancy in the office of an Administrative Director, the Mayor shall appoint a person as Acting Administrative of that Department. The Acting Director shall have the duties and powers of the Administrative Director until a person is presented as a nominee to City Council and his or her nomination is approved by City Council as provided under § 5.03 (b). A nomination for Acting Administrative Director by the Mayor must occur within 60 days of the appointment of Acting Administrative Director. The Acting Administrative Director shall be eligible for nomination by the Mayor for the position of Administrative Director.

(e) **Removal.** The Mayor may, in their discretion, remove any Administrative Director under the Chief Administrative Director's supervision subject to the provisions of any employment agreement in effect, after giving a fourteen (14) day notice to the Administrative Director and providing them with an opportunity to be heard.

- i. Prior to removing a Administrative Director, the Mayor shall first file written notice of the removal and the reason for the removal with the Council, and the removal shall become effective fourteen (14) days after the filing of the Council notice.
- ii. The Mayor may suspend any Administrative Director immediately if circumstances warrant. In such case, the Mayor shall file written notice of the suspension and the reason for the suspension with Council as required for removal under this Section but such filing shall not otherwise delay the effective date of the suspension.
- iii. The Administrative Code shall identify those positions whose duties, institutional knowledge, responsibilities, and experience are essential to the efficient and effective operation of City government and the provision of vital public services. The Administrative Code may provide that employees serving in such positions may be removed only for just cause and afforded procedural protections substantially comparable to those provided to employees covered by collective bargaining agreements. The purpose of this provision is to promote continuity of municipal operations, preserve institutional knowledge, and maintain experienced personnel during transitions in elected leadership.

§ 5.04 Powers and Duties of the Administrative Directors

The work of the City performed by paid employees shall be assigned to and under the direction of the Chief Administrative Director and of the Administrative Directors, subject to approval by the Mayor. Administrative Directors shall direct and supervise the administration and management of all City services assigned to them by this Charter, the Administrative Code, or by applicable law.

§ 5.05 Clerk of Council

At its organizational meeting City Council, by majority vote, shall appoint an officer of the City who shall have the title of Clerk of Council.

- (a) **Qualifications.** The Clerk of Council shall be selected based on relevant education, training, administrative abilities and experience and such other qualifications as may be set forth in the Administrative Code and applicable law.
- (b) **Compensation.** Council shall set the salary and other compensation for the position as part of the annual budget process.
- (c) **Vacancy.** City Council, by majority vote shall fill any vacancy in this office.
- (d) **Removal and Suspension.** Council may by a majority vote of its members remove the Clerk of Council. The President of Council may suspend the Clerk of Council immediately if circumstances warrant. In such case, the President shall file written notice of the suspension and the reason for the suspension with Council but such filing shall not otherwise delay the effective date of the suspension.
- (e) **Duties.** The Clerk of Council shall:
 - i. Serve as the chief administrative officer for the Council and is directly accountable to the Council;
 - ii. Give notice of Council meetings to its members and the public;
 - iii. Prepare minutes of all City Council meetings and keep the minutes of its proceedings;
 - iv. Serve as Secretary to Council; serve as an information liaison between Council and the Administration; and perform such other duties as are assigned by the Administrative Code, by Council action, this Charter, or applicable law;
 - v. Maintains custody, control, filing and storage of all legislation, papers, minutes and other written and recorded documents related to the operation of City Council;
 - vi. Coordinate and schedule City Council meetings, public hearings and posts agendas, recording each meeting for permanent record and publish required legal notices
 - vii. Supervise secretarial personnel who may be hired to assist in the performance

of duties.

Article VI Ordinances and Resolutions

§ 6.01 Ordinances

- (a) Council shall have the authority to enact ordinances as are necessary to carry out the requirements of the duties of Council, this Charter and applicable law. Council may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances.
- (b) Every legislative act of Council shall be by ordinance and shall be signed by the Mayor and attested by the Clerk of Council. The legislative acts shall include but are not limited to:
- i. Adoption or amendment of the Administrative Code.
 - ii. Adoption of budgets and other appropriations required by this Charter and applicable law and the related tax ordinances.
 - iii. Establish, alter or abolish rates charged for any utility or other service provided by the City.
 - iv. Authorization of the borrowing or lending of money.
 - v. Adoption of ordinances proposed under the citizen's petition power as set forth in this Charter.
 - vi. Establishment, alteration, or abolishment of any City department.
 - vii. Establishment or abolishment of any City authority, board or commission.
 - viii. All matters for referendum as required by Charter.
 - ix. All actions that:
 - a. Exercise the police power of the city.
 - b. Establish, if not otherwise governed by the Administrative Code, procedures for the disposition, acquisition and leasing of real property.
 - c. Regulate land use, zoning, development and subdivision.
 - d. Impose building, plumbing, electrical, property maintenance, housing and similar standards.
 - e. Otherwise regulate the conduct of persons within the City.
 - f. Impose fines and penalties for the violation of ordinances.
- (c) Proposed ordinances may be introduced by motion moved and seconded by two (2) Council members and such motion adopted by a majority of Council members voting in the affirmative and participating at a public meeting. Ordinances proposed under Article VI Ordinances and Resolutions shall be considered introduced without further Council action.

- (d) All Ordinances upon adoption shall have the official seal of the City affixed to the original copy and be recorded by the Clerk of Council in the ordinance book of the City. The Administrative Code shall provide a provision requiring the maintenance of the ordinances of the City within an ordinance book or electronic index and provide for codification of newly adopted ordinances at regular intervals. The City may have the Office of Law or a professional firm provide the codification.
- (e) Nothing in this Section is intended to preclude Council from taking appropriate actions by resolution or motion not otherwise required to be in ordinance form.

§ 6.02 Resolutions.

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

§ 6.03 Proposed ordinances and titles.

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

§ 6.04 Reading of proposed ordinances and final enactment.

- (a) The title of every proposed ordinance shall be read at two (2) separate public meetings of Council, once when introduced and again before final enactment by Council.
- (b) Amendments or other changes to the proposed ordinance prior to its adoption shall be read in their entirety.
- (c) After the first public reading, the Clerk of Council shall distribute a copy of the proposed ordinance to each Council member and to the Mayor and shall file and

make available a reasonable number of copies for public inspection in the office of the Clerk of Council during regular office hours.

- (d) An ordinance may not be finally enacted by Council the same day it is introduced.
- (e) A minimum of seven (7) days must intervene between the first reading of the title of the ordinance and the second reading of the title of the ordinance unless applicable law or this Charter allows for a shorter time period.
- (f) Notwithstanding the provisions of § 6.04 (a) (d) and (e), in the case of exigent circumstances or the Mayor's declaration of a public emergency, Council may, by affirmative vote of a majority plus one of the members present at a public meeting, reduce or eliminate the period between introduction and passage of an ordinance necessary or intended to address the exigent circumstances or emergency.

§ 6.05 Public Notice of proposed ordinances.

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

§ 6.06 Voting to enact ordinances or to adopt resolutions.

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

- ii. As may be excused for cause by a simple majority vote of the members of Council present at a Council meeting. The cause shall be recorded in the meeting minutes by the Clerk of Council.
- (c) An ordinance may not be altered or amended upon enactment by Council so as to change the original purpose. Substantive amendments to the original stated purpose shall be by introduction of a new ordinance.

§ 6.07 Emergency ordinance.

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

§ 6.08 Effective date of legislation and Mayor veto.

- (a) Subject to the provisions of Article III § 3.09 (h) Mayor's veto, every adopted ordinance, except for the annual budgets and related budget and tax ordinances and except for emergency legislation, shall become effective at the expiration of twenty (20) days after passage by Council and signature of the Mayor, or passage by Council over the Mayor's veto, or at a date specified within the ordinance but not less than the period provided for citizen reconsideration of ordinances under §11.08 Reconsidering of Ordinances of this Charter.
- (b) Before any ordinance takes effect, it must first be presented to the Mayor for approval or veto. The Mayor shall approve and sign the ordinance within 5 (five) business days of its presentment, but if not, shall return it to Council stating the veto of the ordinance(s) and their objections in a written message. Council may at its next

public meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of a majority plus one (1) of the seated members of City Council.

- (c) No ordinance shall take effect without the Mayor's signature, unless the Mayor fails to return an ordinance to the Council within five (5) business days after submission in which case the ordinance is deemed enacted.
- (d) The veto power of the Mayor shall not apply to ordinances adopted by public referendum.

Article VII Budget and Finance

§ 7.01 Fiscal Year

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

§ 7.02 Submission of Balanced Budget and Capital Program.

The Mayor with the assistance of the Chief Administrative Director shall prepare the proposed operating budget and capital program annually. On or before the last scheduled meeting in October prior to the ensuing fiscal year, the Mayor shall submit to the City Council a balanced budget for the ensuing year with the enacting and corresponding ordinance and an accompanying budget message.

§ 7.03 Budget Message

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

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

§ 7.04 Budget

The budget shall provide a complete financial plan of all City funds including the general fund and other governmental and proprietary funds for the ensuing fiscal year in accordance with generally accepted accounting principles. Except as required by this Charter and the Administrative Code, the budget shall be in such form as the Mayor deems desirable. In organizing the budget, the Mayor shall utilize the most feasible combination of revenue and expenditure classifications by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- (a) It shall begin with a general summary of its contents.
- (b) It shall show in detail on a fund-by-fund basis all estimated revenue for the ensuing fiscal year, indicating the existing and proposed tax rates and levies, as well as other existing and proposed assessments, fees and charges.
- (c) It shall show all proposed expenditures on a fund-by-fund basis, for the ensuing fiscal year, detailed by offices and departments, in terms of their respective work programs and the methods of financing such expenditures.

- (d) It shall provide that proposed revenues equal or exceed proposed expenditures for each fund and represent a balanced budget on a fund by fund basis. The proposed budget may include the use of unrestricted fund balances on a fund-by-fund basis, subject to a Fund Balance policy adopted by Council.
- (e) It shall be so organized as to show comparative figures for actual and estimated revenue and expenditures for the current fiscal year and actual revenue and expenditures for the prior two fiscal years.
- (f) In addition to proposed revenues and expenditures for the ensuing fiscal year, it shall provide on a fund-by-fund basis estimated revenues and expenditures for at a minimum an additional one year detailed by departments.

§ 7.05 Council Action on Budget

- (a) Notice and hearing. Council shall publicize the general summary of the budget in one or more newspapers of general circulation in the City or in other widely and readily available forms as defined in the Administrative Code. The notice shall state:
 - i. The times and places where copies of the budget message and budget document are available for inspection by the public.
 - ii. The time(s) and date(s), not less than seven (7) days or more than thirty (30) days after such public notice, for one or more public hearings on the budget to be held in City Hall and as further defined in the Administrative Code. The public hearing(s) may be on the date of a regular Council meeting or at a special meeting and shall be at times and lengths that maximize public participation.
 - iii. The procedures for a public question period and for submission of written questions by the public.
 - iv. The proposed budget shall be available on the first business day after introduction by Council and shall also be available electronically and at other locations as Council deems appropriate.
- (b) Public inspection. The proposed budget shall be available for public inspection at City Hall during normal business hours and printed copies shall be available to the public for a fee set by Council that is no more than the cost to produce it.
- (c) Within a reasonable time following the public hearing(s) and no less than five (5) days prior to the adoption of the budget, the Mayor or their designee shall prepare a summary of the questions received during the public question period with relevant answers arranged by similar topic. The summary shall be publicized in a widely and readily available form as defined in the Administrative Code.
- (d) Amendment before adoption. After the public hearing(s), Council may adopt the budget with or without amendment. In amending the budget, it may add or increase

programs or line-item amounts and may delete or decrease any programs or line-item amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated revenue on a fund-by-fund basis. The amended budget shall reflect as nearly as possible the estimated revenues and expenditures of the City for the year for which the budget is prepared. Should the amended budget increase or reduce the estimated expenditures in the Mayor's proposed budget on a fund by fund basis by more than ten (10) percent in the aggregate or more than twenty-five (25) percent in any individual item over the Mayor's proposed budget, unless the increase or decrease is the result of mathematical or technical errors or inadvertent omissions, the amended budget shall not be enacted with any of the increases or decreases unless the budget is publicized for public inspection for a period of at least ten (10) days in one or more newspapers of general circulation in the municipality or in other widely and readily available forms as defined in the Administrative Code.

- (e) Adoption. Council shall adopt a budget ordinance and related tax ordinances for the ensuing fiscal year on or before December 10. If the Council fails to adopt a budget by that date, the budget proposed by the Mayor shall be the Official Budget for the City for the ensuing fiscal year.
- (f) Mayoral Veto. The mayor shall have the authority to veto the amended budget and related tax ordinances or proposed line items within the amended budget. No later than five (5) business days after receiving the budget and related tax ordinances, the Mayor shall either:
 - i. Approve the ordinances by affixing their signature thereto, or
 - ii. Return them to Council by delivery to the Clerk of Council together with a statement setting forth the objections thereto or to any line item or part thereof.
- (g) Council Action on Mayoral Veto. On or after the third business day following its return by the Mayor and no later than December 31, Council may by a vote of a majority plus one of its current members override the Mayor's veto.
- (h) Council shall adopt all budget related tax ordinances no later than December 31. No ordinances adopting the budget and related tax ordinances shall reduce the amount, category, or eligible persons, of any exemption from taxation granted, or available thereof as of the effective date of this Charter.

§ 7.06 Revised Budget Following a Municipal Election

General Rule. In the year following a municipal election, the Mayor or Council shall have the power to revise the budget and tax levies either adopted by the previous Council or the Mayor's budget should Council fail to act on the budget pursuant to § 7.05 (e).

- (a) Notwithstanding any other provisions of this article, in any year following a municipal election year, the Mayor or Council may, within forty-five (45) days after the start of the fiscal year, revise the budget and tax levies previously adopted by Council or the Mayor's budget should Council fail to act on the budget pursuant to § 7.05 (e). The Office of Law shall prepare procedures for adopting a revised budget in accordance with § 7.05, with the time periods adjusted to forty-five (45) days after the start of the fiscal year. A revised budget and related tax ordinances shall be adopted in final form no later than February 15 of the year following a municipal election.
- (b) Ordinances adopting a revised budget and related tax ordinances shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance and related tax ordinances of the previous Council.
- (c) No ordinances adopting a revised budget and related tax ordinances shall reduce the amount, category or eligible persons of any exemption from taxation granted or available thereof as of the effective date of this Charter.

§ 7.07 Amendment After Adoption

- (a) Emergency appropriations. Emergency appropriations may be made by City Council or upon recommendation of the Mayor to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of Article VI of this Charter.
- (b) Supplemental appropriations. If during the fiscal year the Mayor and Chief Administrative Director determine that there are available for appropriation revenues in excess of those estimated in the Budget, the Council, by ordinance, may amend the adopted budget to make supplemental appropriations for the year for any purpose authorized by this Charter, the Administrative Code or applicable law up to the amount of such excess. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.
- (c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Mayor and Chief Administrative Director that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Mayor shall report the same to the City Council, indicating

the estimated amount of the deficit, any remedial action taken by the Administration and recommendations as to other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may, by ordinance, reduce or eliminate one or more appropriations with the exception of debt service.

- (d) Expenditures in Excess of Budget. If at any time during the fiscal year it appears probable to the Mayor and Chief Administrative Director that the expenditures at the departmental, office or other organizational level have or are projected to exceed the approved budget amount for the department, office or other organizational level by more than ten (10) per cent, the Mayor shall report the same to the City Council, indicating the reason for the overage, any remedial action taken by the Administration and recommendations as to other steps to be taken. The Council shall then take such further action as it deems necessary to revise the budget to address the overage, and for that purpose it may by resolution, transfer funds from any unencumbered balance appropriated for programs within a department office or other organizational level.
- (e) Transfer of appropriations may be made in accordance with provisions of the Administrative Code.

§ 7.08 Tax Payer Protection

- (a) The Mayor and Council shall make every effort to present a balanced annual General Fund budget with the least burden on taxpayers. The City shall not increase all sources of General Fund tax revenues by more than seven (7) per cent over the preceding year subject to the provisions of Section (b) below. General Fund tax revenues shall be defined as all taxes authorized for the City by applicable law and shall not include fees, regular income, grants, one-time sources, proceeds from debt issuance or revenues restricted to use for debt service, proceeds from the sale of assets, departmental and utility fees and other restricted revenues.
- (b) In the event that that projected general purpose real estate tax revenues and Act 511 tax revenues must increase more than seven (7) percent over the preceding year in order to pay for unanticipated or extraordinary expenditures, Council, by a majority vote of the whole plus one shall by resolution and no later than the first Council meeting in November, authorize the seven (7) per cent limitation to be exceeded for one year for the forthcoming year.

§ 7.09 Residential Property Homestead Tax Relief

The City shall encourage home ownership to build a vibrant and diverse City and to that end shall provide a Residential Property Homestead real estate tax exemption as authorized by applicable law.

§ 7.10 Capital Program and Budget

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

- (a) The Mayor with the assistance of the Chief Administrative Director shall prepare and submit annually to Council a capital program of no less than three (3) years no later than July 31 of each year. Projects which will result in major additions, replacements or changes to City facilities, infrastructure, and equipment shall be included in the capital program report. Such other capital expenditures for equipment with a useful life of two (2) years or less shall be part of the operating budget.
- (b) The annual capital program report shall contain:
 - i. A clear general summary of its contents;
 - ii. A list of capital improvements which are proposed to be undertaken during the subsequent three (3) year period, with appropriate supporting information as to the necessity for such improvements;
 - iii. Cost estimates, method of financing and recommended schedules for each such improvement;
 - iv. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
 - v. The estimated annual amortization costs of any debt incurred, if appropriate.

§ 7.11 City Council Action on Capital Program and Budget

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

- iv. The proposed capital program and budget shall be available for public inspection at City Hall and copies shall be available to the public for a fee set by Council that is not more than the cost to produce it.
- (b) Within a reasonable time following the public hearing and no less than five (5) days prior to the adoption of the capital program and budget, the Mayor or their designee shall prepare a summary of the questions received during the public question period with relevant answers arranged by similar topic. The summary shall be publicized in a widely and readily available form as defined in the Administrative Code.
- (c) Amendment before adoption. After the public hearing(s), Council may adopt the Capital Program and Budget with or without amendment. In amending the Capital Program and Budget, it may add or increase projects and may delete or decrease any projects by majority vote.
- (d) Adoption. Council shall adopt by ordinance an annual capital program and budget no later than September 30 of the current fiscal year. If Council fails to adopt a revised capital program and budget by September 30, the Mayor's original capital program and budget shall become the official capital program and budget of the City for the ensuing fiscal year and that portion of the capital program and budget for the ensuing fiscal year shall be incorporated into the Mayor's proposed operating budget for the ensuing fiscal year.

§ 7.12 Budget and Capital Program Administration

- (a) General Rule. The Mayor shall be responsible for and shall supervise, with the assistance of the Chief Administrative Director, the administration of the annual operating and capital budgets. No payment of any funds of the City shall be made unless provided for in the budget(s) subject to the provisions of §7.07, and specifically approved by the Council; provided, however, that regularly occurring payroll, health insurance payments, utility charges, and payments whenever necessary to avoid penalties may be made at the direction of the Mayor prior to Council's subsequent approval.
- (b) Monthly budget reports. The Mayor with the assistance of the Chief Administrative Director shall cause to be kept and prepared and shall submit the same to the City Council at a duly advertised public meeting and made available to the public within twenty-one (21) days of the end of the following month:
 - i. a monthly cash flow report;
 - ii. a current cash and fund balance report;

- iii. a financial statement of revenues and expenditures by fund, department, bureau and line item, organized in a fashion corresponding to the form of the budget ordinance, showing the amount budgeted, cumulative amount collected or expended, the percent of the total line item collected or expended to date by the end of each month.
- (c) Mid-year budget review. Within 45 days after the last day of June of the calendar year, at the regular meeting place of Council and at a time and date to be set by Council, the Mayor and/or Chief Administrative Director as may be necessary shall appear before the Council at a duly advertised public meeting and present for Council review a mid-year revenue, expenditure and programmatic report. Council shall review programs, revenues and expenditures for the respective departments and bureaus and shall review the performance thereof with a view toward improving services and reducing costs during the remainder of the fiscal year and ensuing fiscal year budget preparation.
- (d) Capital Project Reporting.
- i. Current Projects. All capital projects in process shall be reported to Council by the Mayor and/or Chief Administrative Director on a quarterly basis with an update on cost, completion date, and estimated revised operating costs.
 - ii. Post Capital Project Completion Report. Following completion of any capital project, a complete and detailed report shall be completed and publicized in widely and readily available forms as defined in the Administrative Code to be made available to the public. The intent of the post project report is to confirm the estimates of financing and project costs and explain any material deviation between actual and estimated financing and project costs. §

§ 7.13 Historic Preservation Appropriation

The annual operating budget of the City may appropriate funds to any nonprofit corporation for the purpose of preserving and promoting the historic significance of the City's industries including timber and coal mining.

Article VIII Contracts

§ 8.01 Purpose and Intent

The purpose of this Article is to clearly define and allocate authority between the Office of the Mayor and City Council regarding the execution, approval, and administration of contracts, including non-employment agreements, employment agreements, and professional services. This Article is intended to promote transparency, fiscal responsibility, and efficient administration of City operations.

§ 8.02 General Provisions

- (a) All contracts entered into by the City shall comply with applicable federal, state, and local laws.
- (b) No contract shall be valid or enforceable unless executed in accordance with the provisions of this Article.
- (c) Nothing in this Article shall be construed to limit statutory requirements for public bidding, procurement, or collective bargaining.

§ 8.03 Non-Employment Contracts

(a) Purchasing and Acquisition

- i. The Mayor shall have the authority to negotiate and execute contracts related to purchases and acquisitions provided that such contracts:
 - a. Are within the limits of the approved current fiscal year budget;
 - b. Are necessary for the administration of grants awarded to the City;
 - c. Are required for the routine and day-to-day operations of the City;
 - d. Do not exceed the applicable thresholds for formal bidding established by the Pennsylvania Department of Labor and Industry or applicable law; or
 - e. Are procured through cooperative purchasing programs, including COSTARS or equivalent programs.
- ii. The City Council shall approve any contract which:
 - a. Exceeds the applicable thresholds for formal bidding established by the Pennsylvania Department of Labor and Industry or applicable law;
 - b. Obligates or commits funds beyond the current fiscal year;
 - c. Requires appropriation of funds not previously approved in the current budget;
 - d. Requires legislative authorization under this Charter or applicable law.

(b) Intergovernmental and Service Agreements

- i. The City Council shall approve by resolution or ordinance:

- a. Intergovernmental Cooperation Agreements with municipal or other governmental entities;
- ii. The Mayor shall have the authority to Implement:
 - a. An Intergovernmental Cooperation Agreement, or any programs, expenditures, or policies previously authorized by City Council;
 - b. Any other Agreement for service that does not extend beyond the current term of the Mayor;

(c) Sale of City Property

- i. The Mayor shall have the authority, subject to the referendum limitations of Article 11 Citizen's Petition and Referendum § 11.02 (a), to negotiate and sell or dispose of:
 - a. Any asset that is fully depreciated,
 - b. Any asset that is past expected life span,
 - c. Any asset valued under the current telephonic quote threshold established by the Pennsylvania Department of Labor and Industry or applicable law,
 - d. Any asset valued under the formal bidding threshold being disposed of to another governmental entity or agency.
- ii. City Council shall approve any sale or disposition of an asset not otherwise listed in §8.03 (c) (i).

(d) Rental Rates and Fees of City Property and Services

- i. City Council shall have the authority to establish a fee schedule that includes rental rates and user fees for City-owned property and services, including but not limited to, buildings, land, parking, and airport facilities.
- ii. The Mayor may negotiate terms and conditions for such rates and fees within Council adopted limits established by policy, fee schedule, resolution or ordinance.

§ 8.04 Employee Policies; Contracts; Professional Services

(a) Employee Policies and Agreements

- i. Authority of the Mayor
 - a. The Mayor or their designee shall have the authority to negotiate and offer employment agreements.
 - b. The Mayor or their designee may determine compensation packages for non-union employees on an individual or class basis, provided such compensation falls within Council-approved budget limits and policies.

- c. Where Council confirmation of an employee is required, the compensation package offered shall not be considered as subject to, or be a part of, the confirmation process.
- ii. Authority of City Council
 - a. City Council shall adopt and approve by resolution personnel policies of general application affecting City employees as a whole.

(b) Hiring Policy

- i. City Council shall vote to approve by resolution categories and types of compensation and benefits that may be offered to employees, including but not limited to:
 - a. Salary structures;
 - b. Leave benefits;
 - c. Health and retirement benefits; and
 - d. Other forms of compensation.

(c) Collective Bargaining Agreements

- i. The Mayor, or designee, shall serve as the chief negotiator for all collective bargaining agreements using compensation and benefit categories approved by City Council.
- ii. City Council shall vote to approve by resolution all Collective Bargaining Agreements in which the Administration and the unions have agreed upon.

(d) Non-Represented Employee Agreements

- i. The Mayor, or their designee, shall be responsible for the negotiation of all non-union employee compensation subject to compensation and benefit categories approved by City Council.
- ii. City Council shall vote to approve by resolution agreements between the City and non-union employees.

(e) Professional Services Contracts

- i. The Mayor or their designee shall have the authority to negotiate contracts for professional services, including but not limited to firms, agencies, and consultants. Selection of professional service providers shall not be required to be based solely on the lowest bid. Compensation terms shall be within the budget appropriation for professional services. If compensation terms exceed the budget appropriation, the Mayor shall provide Council with a recommendation for the transfer of funds consistent with 7.07 (e).
- ii. Where Council confirmation of a professional appointment is required, compensation terms shall not be considered as part of the confirmation decision provided such compensation falls within Council-approved budget limits and policies.

§ 8.05 Limitations and Safeguards

- (a) No contract shall be used to circumvent budgetary limitations, separation of purchases to avoid bid thresholds (piecemealing), or the appropriation authority of City Council.
- (b) No contract shall bind the City beyond the term limits set forth in this Article unless approved by City Council.
- (c) All contracts shall be subject to audit and public disclosure in accordance with applicable law.

Article IX Annual and Special Independent Audits.

§ 9.01 Annual Independent Audit

Council shall provide for an annual independent audit of all financial transactions of the City to be conducted by a certified public accountant or a firm of certified public accountants who shall have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers. This audit shall be made in accordance with generally accepted professional auditing standards and procedures and shall be completed no later than nine (9) months after the close of the fiscal year.

§ 9.02 Award and Term of Contract

- (a) Award of Contract. At the end of a contract term or the termination of a contract by the parties before the end of a contract term, all contracts for the appointment of a certified public accountant or a firm of certified public accountants shall not be made except with and from the lowest qualified and responsible bidder pursuant to procurement procedures in the Administrative Code.
- (b) Limit on Term of Contract. No contract for auditing services may exceed a four (4) year term.
- (c) Consecutive Contract Limit. No certified public accountant or a firm of certified public accountants shall be granted more than two (2) consecutive four (4) year contracts, unless no other qualified accountant or firm competes for the contract-as provided for in § 9.01 (a).
- (d) Compensation. Council shall determine the compensation to be received by the certified public accountant or firm of certified public accountants.
- (e) Specialized Audits. Council shall have the authority to engage a certified public accountant or a firm of certified public accountants to conduct special audits of City revenue sources or expenditure categories for the purpose of:
 - i. improving the efficiency of City processes, departments, or services;
 - ii. compliance with City policies and procedures;
 - iii. investigations into prior financial practices and activities.

Article X Authorities, Boards and Commissions

§10.01 Establishment

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

§10.02 Membership

- (a) **Qualifications.** As a general rule, members of authorities, boards and commissions shall be residents of the City except as provided for under applicable law. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve on a board or commission.
 - i. The Administrative Code shall provide procedures for public notice of available appointments and vacancies to encourage broad citizen participation. Said procedures shall include as a goal the representation of citizens of the City including but not limited to geographic representation, gender, economic, racial, ethnic and other characteristics.
- (b) **Appointments.** The Mayor shall nominate members of authorities, boards and commissions to City Council for their consideration and action. City Council shall appoint, by majority vote, all members for each authority, board and commission, except as otherwise required by State or other applicable law. Broad citizen participation shall be encouraged in recruiting appointees and making appointments.
- (c) **Term of Office.** The term of office for members of authorities, boards and commissions shall be established as provided for by this Charter, the Administrative Code, City ordinance or applicable law for the specific authority, board or commission. Except as may otherwise be provided for in this Charter, the Administrative Code or applicable law, each member of any City board or commission shall serve until the

expiration of their term or until a new appointment is made following the expiration of their term.

- (d) **Vacancies.** Any vacancy caused by death or resignation of a member of any City authority, board or commission shall be filled within 60 days by Mayoral nomination and approval by City Council. The person so appointed shall meet the qualifications of (a) above and serve for the unexpired term of the person vacating such position.

Article XI Citizen's Petition and Referendum

§11.01 General Rule

- (a) **Ordinance Consideration and Referendum.** The electors of the City shall have the right to petition City Council for consideration of a proposed ordinance. If Council does not adopt the proposed ordinance, electors of the City shall have the ability to adopt the proposed ordinance through referendum at a primary, municipal or general election. A proposed ordinance may be brought to Council through ordinance petition only once in a 12-month period commencing upon final action of Council.
- (b) **Ordinance Reconsideration and Referendum.** The electors of the City shall have the right to petition City Council to require reconsideration of any adopted ordinance subject to the limitations of 11.08 (b). If Council fails to repeal an ordinance upon reconsideration, the voters of the City shall have the ability to repeal the ordinance at a primary, municipal or general election.
- (c) **Citizen's Petition to Call Special Meetings of Council or request an Agenda Item for consideration at a public Council meeting.** The electors of the City shall have the right to call a special meeting of City Council or to request an agenda item for consideration at a public Council meeting.

§11.02 Ordinances that Require Referendum Approval of Electorate

Any proposed ordinance authorizing the City or a component unit of the City to:

- (a) enter into an agreement to sell any asset or assets of the City or a component unit valued at more than 25% of total General Fund revenue for the fiscal year immediately preceding the referendum.
- (b) eliminate the Office of Chief Administrative Director and any administrative department required by this Charter,

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

§11.03 Limitations on Petition and Referendum

- (a) Referendum powers shall not extend to:
 - i. the adoption or amendment of the budget ordinances for the General Fund, capital, or other funds and the tax levies and fees contained therein; the long range operational, fiscal, and capital plan;
 - ii. the Administrative Code;
 - iii. the personnel code;
 - iv. annual tax levy ordinances;
 - v. any ordinance fixing the salaries of elective City officials or City employees;

- vi. ordinances authorizing emergency loans;
 - vii. ordinances relating to zoning and land use regulations;
 - viii. ordinances exercising the power of eminent domain;
 - ix. any ordinance related to or adopted in response to an existing declaration of emergency;
 - x. any ordinance for the opening, paving, grading or other improvement of streets or highways, when the improvement is petitioned for by a majority in number or interest of the abutting property owners; or
 - xi. any ordinance for which the procedures for adoption or amendment may be established by applicable law.
- (b) The Council shall take no action to repeal or substantively change an ordinance adopted or repealed by referendum for a period of two years from the date of the election at which the ordinance was approved or repealed.
- (c) Any proposed ordinance or reconsidered ordinance which is rejected by the qualified voters in an election cannot be resubmitted for petition and referendum for a period of two years from the date of the election where the ordinance was defeated.
- (d) No more than two ordinances by certified petition and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two ordinances by petition and the first two referendum measures which are determined sufficient shall be placed on the ballot measured by the date of final approval of the petition.

§11.04 Initiating Ordinances by Electors

- (a) A proposed ordinance may be submitted to City Council by a petition signed by the electors of the City, as hereinafter provided, except:
- i. Proposed ordinances relating to any matter, subject to the limitations on a referendum vote as provided in §11.02 of this article; or
 - ii. Proposed ordinances to repeal, amend, or modify any ordinance which has been subject to the limitation provisions of a referendum as provided in Section 11.03 of this article.
- (b) A request to the Clerk of Council for the preparation of a petition for the submission of a proposed ordinance to Council shall be made by written request of ten qualified electors of the City. The request shall be accompanied by a copy of the proposed ordinance. The Clerk of Council shall, within ten days after receiving the request, do each of the following:
- i. Prepare the requested petition.

- ii. Publicize a notice at least one time in one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code that provides, at a minimum, the purpose for which the petition is made, the date on which the request for the petition was received, and that the petition will be ready for circulation and signing at the expiration of ten days from that date.
- (c) The ten qualified electors shall constitute the Petitioners Committee and be responsible for circulating the petition for consideration of an ordinance and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed ordinance. Upon the expiration of the ten days, the Clerk of Council will provide the requested petition to the Petitioners Committee for circulation.

§11.05 Requirements for Petitions Initiating Ordinances by Electors

- (a) **Number of signatures.** Petitions to initiate an ordinance must be signed by City electors comprising 10 per centum of the number of City electors voting for Mayor at the last preceding municipal/general election at which a Mayor was elected.
- (b) **Form and content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature line shall be executed in ink or indelible pencil and shall include the printed name, signature and address of the person signing and the date signed. Petitions shall contain or have attached, throughout their circulation, the full text of the proposed ordinance.
- (c) **Affidavit of circulator.** Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated each paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the proposed ordinance.
- (d) **Time for circulation and filing petitions.** Petitions must be circulated, signed and filed within forty-five (45) days after the issuance of petition blanks by the Clerk of Council under Section 11.04 Petition Procedures of this Charter.

§11.06 Procedure after Filing of Petition Initiating Ordinances by Electors

- (a) **Clerk of Council Review.** Within 20 days after the petition to initiate an ordinance is filed with the Clerk of Council, and following review and a determination of its sufficiency by the Clerk of Council, the Clerk of Council shall complete a certificate as to its sufficiency and promptly send a copy of such certificate to the Petitioners' Committee by registered mail and to City Council.
- i. If the petition is determined to be insufficient by the Clerk of Council, the particulars specifying what is defective shall promptly be sent, with a copy of the certificate of insufficiency, to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended one time by the Petitioner's Committee.
 - ii. In order to do so, the Petitioners' Committee must file an amended petition complying with the requirements of Section 11.04 within 10 days after receiving the copy of certificate of insufficiency.
 - iii. Within five days after the amended petition is filed, the Clerk of Council shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.
 - iv. If a petition or amended petition is certified insufficient by the Clerk of Council and the Petitioners' Committee does not elect to request Council review under Subsection (b) of this Section within the time required, the Clerk of Council shall promptly present the certificate of insufficiency to the Council.
- (b) **Council Review.** If a petition to initiate an ordinance has been certified insufficient by the Clerk of Council and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient by the Clerk of Council, the Petitioners' Committee may, within five days after receiving the copy of such certificate, file a request with the Clerk of Council that the certificate of the petition or amended petition be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) **Court review.** A final determination as to the insufficiency of a petition or amended petition to initiate an ordinance shall be subject to Court of Common Pleas of Luzerne County review upon filing of a petition by the Petitioner's Committee with the same. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (d) **Action by Council.** When a petition to initiate an ordinance has been finally determined to be sufficient, Council shall promptly consider the proposed ordinance in the manner provided in Article VI, Ordinances, of this Charter. If the Council fails to adopt a proposed ordinance without any change in substance within 60 days of

the certificate of sufficiency, the proposed ordinance shall be submitted for consideration to the voters of the City.

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

§11.07 Results of Election Initiating Ordinances by Electors

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

§11.08 Reconsidering Ordinances by Electors

- (a) **General Rule:** An ordinance may not be subject to more than one certified petition for reconsideration. The procedures for requesting the preparation and filing of a petition under this article shall not cause the suspension of an ordinance presently in effect and operation. Said ordinance shall remain in effect and in force for the duration of the process of reconsideration; or until repealed by action of Council; or by referendum result.
- (b) **Existing Ordinances.** With the exception of ordinances dealing with the subjects set forth in §11.03 and ordinances adopted prior to the effective date of this Charter, citizens will have the right to petition the repeal of an ordinance through action by Council or to repeal an ordinance through referendum.
- (c) **Newly Adopted Ordinances.** The initiation of procedures for preparation and filing of the petition under this article shall cause a stay of the effect and operation of the newly adopted ordinance for the duration of the process of reconsideration unless

the petition fails to receive a certificate of sufficiency under §12.09; or until repealed by action of Council; or by referendum result; or by withdrawal of the petition.

- (d) **Time to request reconsideration.** A request for preparation of a petition under provisions of §11.08 (c) must be made within twenty (20) days following the adoption of an ordinance. If an ordinance is effective in less than twenty (20) days due to operation of applicable law, a request for preparation of a petition filed within the period provided by applicable law shall cause said ordinance to be stayed in effect and operation.
- (e) **Preparation of Petition.** A request to the Clerk of Council for the preparation of a petition for the reconsideration of an adopted ordinance to City Council shall be made by written request of ten (10) qualified electors of the City. The request shall be accompanied by a copy of the ordinance to be reconsidered. The Clerk of Council shall, within ten days after receiving the request, do each of the following:
- i. Prepare the requested petition.
 - ii. Publicize a notice at least one time in one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code that provides, at a minimum, the purpose for which the petition is made, the date on which the request for the petition was received, and that the petition will be ready for circulation and signing at the expiration of ten days from that date.
- (f) **Petitioners Committee.** The ten (10) qualified electors shall constitute the Petitioners Committee and be responsible for circulating the petition for reconsideration of an adopted ordinance and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed ordinance. Upon the expiration of the ten days, the Clerk of Council will provide the requested petition to the Petitioners Committee for circulation.

§11.09 Requirements for Petitions Reconsidering Ordinances by Electors

- (a) **Number of signatures.** Petitions for the reconsideration of an ordinance by electors must be signed by City electors comprising ten (10) per cent of the entire vote cast for all candidates for Mayor at the last preceding municipal/general election at which a mayor was elected.
- (b) **Form and content.** All papers of a petition for the reconsideration of an ordinance by electors shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature line shall be executed in ink or indelible pencil

and shall include the printed name, signature and address of the person signing and the date signed. Petitions shall contain or have attached, throughout their circulation, the full text of the ordinance to be reconsidered.

(c) **Affidavit of circulator.** Each paper of a petition for the reconsideration of an ordinance by electors shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance to be reconsidered.

(d) **Time for circulation and filing petitions.** Petitions must be circulated, signed and filed within forty-five (45) days after the issuance of petition blanks by the Clerk of Council under Section 11.07 of this Charter.

§11.10 Procedure after Filing of Petition for Reconsidering of Ordinances by electors

(a) Within 20 days after the petition for the reconsidering of an ordinance by electors is filed with the Clerk of Council, and following review and a determination of its sufficiency by the Clerk of Council, the Clerk of Council shall complete a certificate as to its sufficiency and send a copy of the certification to the Petitioner's Committee by registered mail and to City Council. If the petition is determined to be insufficient by the Clerk of Council, the particulars specifying what is defective shall promptly be sent, with a copy of the certificate of insufficiency, to the Petitioners' Committee by registered mail.

(b) A petition for the reconsideration of an ordinance by electors that is certified insufficient for lack of the required number of valid signatures may be amended one time by the Petitioner's Committee.

- i. In order to do so, the Petitioners' Committee must file with the Clerk of Council an amended petition complying with the requirements of Section 11.09 within ten (10) days after receiving the copy of certificate of insufficiency.
- ii. Within five days after the amended petition for the reconsideration of an ordinance by electors is filed, the Clerk of Council shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.
- iii. If a petition or amended petition for the reconsideration of an ordinance by electors is certified insufficient by the Clerk of Council and the Petitioners' Committee does not elect to request Council review under Subsection (c) of this

section within the time required, the Clerk of Council shall promptly present the certificate of insufficiency to the Council.

- (c) **Council Review.** If a petition for the reconsideration of an ordinance by electors has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Petitioners' Committee may, within five days after receiving the copy of such certificate, file a request with the Clerk of Council that the certificate of the petition or amended petition be reviewed by Council.
 - i. 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.
- (d) **Court Review.** A final determination as to the insufficiency of a petition or amended petition shall be subject to Court of Common Pleas of Luzerne County review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (e) **Action by Council.** When a petition for the reconsideration of an ordinance has been finally determined to be sufficient, Council shall promptly consider the ordinance to be reconsidered in the manner provided in Article VI, Ordinance & Resolutions. If the Council fails to reconsider the ordinance without any change in substance within sixty (60) days of the certificate of sufficiency, the ordinance to be reconsidered shall be submitted for consideration to the voters of the City.
- (f) **Submission to voters.** If the petition for the reconsideration of an ordinance by electors is deemed sufficient and following the Council's lack of action thereon, the question shall be placed on the ballot at the next primary, municipal or general election occurring at least 90 days after the expiration of Council's time to act or judicial approval of the petition.
 - i. Copies of the ordinance to be reconsidered shall be publicized at least one time in one or more newspapers of general circulation in the City or in other widely and readily available forms as defined in the Administrative Code and made available to the public during regular business hours at City Hall.
- (g) **Withdrawal of petitions.** A petition for the reconsideration of an ordinance by electors may be withdrawn at any time prior to the forty-five (45th) day preceding the day scheduled for a vote of the City by filing with the Clerk of Council a request for withdrawal signed by at least six (6) members of the Petitioners' Committee. Upon

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

§11.11 Results of election for reconsidering ordinances by electors

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

§11.12 Petition to place an item on Council's Agenda or to call a special meeting of City Council

- (a) The electors of the City, upon filing a signed petition with the Clerk of Council, may require the City Council to:
- i. Hold a special meeting to address one agenda item comprised of a single topic at a special public meeting of Council and limited to once per calendar year per item;
 - ii. Require the placing of an agenda item comprised of a single topic at a specified public meeting of Council and limited to once per calendar year. Said agenda item must be the first item considered by Council at the specified meeting
- (b) The petition filed with the Clerk of Council must:
- i. contain the printed name, signature and address of registered electors of the City,
 - ii. be accompanied by a notarized affidavit executed by the circulator stating that they personally circulated each page of the petition, the number of signatures thereon, that all signatures were affixed in the circulator's presence and that each signer had an opportunity to read the text of the agenda item contained therein,
 - iii. contain signatures equal to or greater than five (5) per cent of the entire vote cast for all candidates for Mayor at the last preceding municipal/general election at which a Mayor was elected
 - iv. the purpose for which the meeting is being called.
- (c) Within five (5) business days of receipt of the petition, the Clerk of Council shall review the completed petition and if found to be complete certify the petition as being complete and then notify the President of City Council of the certified petition.
- (d) The President of City Council shall then either convene the special meeting on the agenda item to begin after 6:00 PM on a weekday evening within fourteen (14) days of the certification or place the agenda item on the Council agenda for the next public meeting held after the petition's certification.
- (e) The public notification process of the special meeting of Council shall be as specified by this Charter, the Administrative Code and applicable law.

Article XII Accountability, Conduct, and Ethics

§12.01 General Rule

All public officials and public employees as defined under the Pennsylvania Public Official and Employee Ethics Act are subject to said Act. All public officials and public employees shall be subject to any City Council procedures adopted under this Article.

§12.02 Scope of Accountability, Conduct, and Ethics Procedures

- (a) Council may provide for procedures for ensuring those involved in City government receive no financial benefits from their public positions other than their lawful compensation and receive no benefit on the profits or emoluments of any contract, job, work, or service performed for the City, or accept anything of value, upon terms more favorable than those granted to the public generally, from any person dealing with the City.
- (b) At a minimum, Council adopted procedures shall include provisions addressing ethics, conflicts of interest, gifts, the personal use of City resources, and conduct and behavior in the performance of duties. and penalties and sanctions for violations. Except as may otherwise be provided for in applicable law, such procedures shall apply to every City elected official, members and employees of all agencies, boards, commissions, and other component units and all employees of the City.

§12.03 Independent Commission

- (a) For the purpose of administering Council procedures of accountability, conduct, and ethics, Council may create, by ordinance, an independent commission responsible for the administration and enforcement of such rules.
- (b) Should Council create such a commission, the membership of such shall at a minimum include
 - i. the Mayor or their designee,
 - ii. the President of Council or their designee,
 - iii. other persons as Council may determine.
- (c) The Office of Law shall provide legal counsel and provide for conflict counsel.
- (d) Procedures for the operation of the independent commission shall be as determined by the Administrative Code or the enabling ordinance and shall incorporate by reference the Pennsylvania Public Official and Employee Ethics Act.

Article XIII Administrative Code

§ 13.01 Administrative Code

- (a) No later than eighteen (18) months after the effective date of this Charter, the Mayor shall propose and submit to City Council at a scheduled Council meeting an Administrative Code for the City government consistent with the provisions and purpose of this Charter. Council shall adopt an Administrative Code by ordinance, with or without amendments, within sixty (60) days after its submission by the Mayor.
- (b) In the event that Council fails to adopt the Administrative Code within sixty (60) days, the Administrative Code as proposed by the Mayor shall be deemed adopted and shall become effective immediately.
- (c) Council may amend the Administrative Code only by the ordinance adoption procedures in Article VI of this Charter.

§ 13.02 Contents

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

Article XIV Transition

§14.01 Purpose of Article

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

§14.02 Effective Date

This Charter shall be submitted to the voters at the general election of 2026, and if adopted, shall take effect on January 1, 2027. However, to the extent necessary to comply with the other provisions of this Article governing the period between the date of adoption and the effective date of this Charter, this Charter shall be implemented upon the date of certification of the results of the general election of 2026.

§14.03 Current Elected Office Holders

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

§14.04 Initial Elections

Elections of 2027 and 2029.

- (a) The following elected officials shall be nominated at the primary election, in May 2027, and shall be elected at the municipal election in November 2027 for the following terms:
 - i. One Mayor, for a term of four (4) years;
 - ii. Two seats on City Council, for a term of four (4) years.
- (b) The following elected officials shall be nominated at the primary election in May 2029, and shall be elected at the municipal election in November 2029 for the following term:
 - i. Three seats on City Council elected for a term of four (4) years.

Vacancy. If any of the elected offices becomes vacant between the time this Charter is effective and January 1, 2028, such vacancy shall be filled as provided for in this Charter.

§14.05 Initial Salaries of Elected Officials

The salaries of the Mayor and members of City Council shall be compensated at the annual salaries authorized prior to the effective date of this Charter. The salary amounts of elected officials shall continue until changed in accordance with this Charter.

§14.06 Continuation of Authorities, Boards and Commissions

All authorities, boards and commissions established for or under the authority of the City before the effective date of this Charter shall continue to exist and operate unless abolished by ordinance of City Council. Members of the authorities, boards and commissions existing on the effective date of this Charter shall remain in office for their respective terms or until the status of their respective authority, board or commission shall be altered by City Council. Vacancies in the membership of such authorities, boards and commissions after the effective date of this Charter shall be filled in accordance with this Charter or applicable law.

§14.07 Specific Transfer of Functions

The duties, functions and powers assigned by law and not inconsistent with this Charter are hereby transferred to the Mayor or to City Council in accordance with this Charter. All departments, offices and agencies shall continue until abolished or modified.

§14.08 Personnel

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

§14.09 Legal Continuity

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

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

§14.10 Temporary Ordinances

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

§14.11 Mandatory Adoption of Certain Acts

- (a) Within 18 months of the effective date of this Charter, the Mayor shall prepare and City Council shall adopt and enact the Administrative Code; and any other ordinances, rules, and regulations required by this Charter or deemed by the Transition Committee to be appropriate.
- (b) In the event that Council fails to adopt an Administrative Code within eighteen (18) months of the effective date of this Charter, the City shall operate under the provisions of the current Administrative Code, the Third Class City Code, and the Optional Third Class City law, as applicable, to the extent they are not inconsistent with this Charter. In the event of a conflict between the terms of the current Administrative Code, the Third Class City Code, and the Optional Third Class City

law and this Charter, the Charter provisions shall control.

§14.12 Delay of Certain Charter Requirements

- (a) For two (2) years following the effective date of this Charter, the revenue limitations established under § 7.08 shall be waived under the enactment of the annual budget ordinance as approved by a majority vote of Council.

§14.13 Transition Committee and Termination.

- (a) **Establishment and powers.** On or before January 1, 2027, there shall be a Transition Committee established consisting of five (5) persons to facilitate the transition from the existing form of government to the form of government established by this Charter. The Transition Committee shall meet at least quarterly and schedule regular public meetings to inform citizens of the progress of the transition.
- (b) **Membership.** The Transition Committee shall include:
- i. The Mayor or their designee.
 - ii. One (1) member of current City Council appointed by a majority vote of the Council.
 - iii. Two (2) members of the Hazleton City Government Study Commission who are not the Mayor or a current member of Council, said members to be selected by the Chairperson of the Commission following the certification of the ballot approving the Charter.
 - iv. One (1) citizen who is a qualified voter of the City to be selected by the President of Council.
 - v. The Chairperson of the Transition Committee shall be named by the Chairperson of the Government Study Commission prior to the first meeting of the Committee.
- (c) **Reporting.** The Mayor, Chief Administrative Director or their designee(s) shall be required to report quarterly to the Transition Committee at a regularly scheduled meeting of the Transition Committee regarding the progress toward drafting necessary ordinances, rules and regulations, in order that they may be adopted as soon as practical after the effective date of this Charter.
- (d) **Vacancies.** Any vacancy on the Transition Committee shall be filled by a majority of the remaining Members of the Transition Committee. In the event of a Study Commission member vacancy, either the former Chair or Vice Chair of the Study Commission shall be appointed.

- (e) **Compensation.** The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.
- (f) **Dissolution.** The Transition Committee shall be terminated upon the effective date of the Administrative Code ordinance.