



Township of Concord

DELAWARE COUNTY

COUNCIL: Dominic A. Pileggi, John J. Gillespie, John L. Crossan,
Thomas J. Mahoney, Michael R. Harding, Dana M. Rankin, Colleen P. Morrone

CONCORD TOWNSHIP ORDINANCE NO. 395

AN ORDINANCE TO ADOPT AN ADMINISTRATIVE CODE GOVERNING ETHICS, CONFLICTS OF INTEREST, PERSONNEL, BIDDING, BORROWING AND FINANCIAL POLICIES, AS REQUIRED BY SECTION 5.01 OF CONCORD TOWNSHIP'S HOME RULE CHARTER.

WHEREAS, the Township of Concord (hereinafter "Concord" or the "Township") wishes to comply with Section 5.01 of its Home Rule Charter by adopting an Administrative Code; and

WHEREAS, it is the purpose and intent of the Township to adopt an Administrative Code consistent with the laws of the Commonwealth and the Second Class Township Code, to promote the health, safety and general welfare of the its residents and businesses within the Township; and

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in any conduct inconsistent with the laws of the Commonwealth.

SECTION I:

NOW, THEREFORE, THIS 8th DAY of December, 2020, THE COUNCIL OF CONCORD TOWNSHIP HEREBY ENACTS AND ORDAINS AS FOLLOWS:

Pursuant to Article 5 – ADMINISTRATION, of the Concord Township Home Rule Charter, the following ADMINSTRATIVE CODE is hereby adopted by Concord Township:

ARTICLE I - CODE OF ETHICS

§1 – 100 Purpose.

The purpose of this Code of Ethics is to establish certain ethical standards of conduct for all Township employees, officials (whether elected or appointed, paid or unpaid), and Council members by setting forth the acts and actions that are incompatible with the best interests of the Township; establishing certain responsibilities; and requiring elected and appointed Township officials to fully disclose their financial and other interests in matters affecting the Township.

§1 – 101 Responsibilities and Conduct of Public Officials and Employees.

Township officials and employees shall advance the best interests of the Township and its residents. They are bound to impartially uphold the Constitutions of the United States and this Commonwealth, the Home Charter Rule and the Township Code, and to be impartial in the enforcement of all federal, state and local laws. Township officials, Council members and employees are bound to observe the highest standards of morality and integrity in their official acts, and to faithfully and impartially discharge the duties of their offices and employment, regardless of personal considerations, recognizing that the public interest must be their primary concern.

§1 – 102 Fair and Equal Treatment.

(a) **Use of Township Property.** No Township official or employee shall request or permit the use of Township-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally.

(b) **Obligations to Citizens.** Township officials and employees shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

ARTICLE II - CONFLICTS OF INTEREST

§2 – 100 Conflict of Interest defined.

A conflict of interest exists when a person uses the authority of their public office or employment or confidential information received through their public office or employment, for their private pecuniary benefit or that of any member of their family, or a business with which he or she is associated. (65 Pa. C.S. §§1102, 1103(a).) The term ‘business with which he [or she] is associated’ is defined as ‘[a]ny business in which the person or a member of the person’s immediate family is a director, officer, owner, employee or has a financial interest.’ (65 Pa. C.S. § 1102.)

§2 – 101 Independent judgment.

Council members, Township officials, and employees shall not engage in any business or transaction or have any personal or family interest which would impair their independent judgment or action in the performance of their official duties and/or employment responsibilities.

§2 – 102 Gifts, favors, services.

Township Council members, officials, employees and their family members shall not accept any valuable gift, whether in the form of money, services, loans, things or promises in return or exchange for Township business, contracts, or services from any person, firm or corporation. Township Council members, officials and employees shall not accept gifts, favors, or things of value that could influence them in the proper discharge of their Township duties. Casual business luncheons, dinner, entertainment or refreshments shall not constitute a “gift” within the meaning of this section.

§2 – 103 Disclosure of conflict of interest and/or financial interests in businesses.

Any Council member, official or employee who has a financial interest in any business entity, transaction or contract with the Township, or in the sale of any real estate, materials, supplies or services to the Township, shall make such interest known in writing to the Township Solicitor (using the disclosure form attached as Appendix “A”), and shall recuse him or herself and refrain from voting on or otherwise participating in the transaction or execution of any related contract or sale. This provision shall not apply to publicly traded stocks, bonds, mutual funds or other holdings in which the individual’s investment is insignificant in relation to the entire entity.

Council members, Township officials and employees shall not disclose confidential information concerning the property, government, or affairs of the Township which could advance the financial or other interests of his or herself, or of any other person.

§2 – 104 Council members disclosure of interests.

Any Council member who has or whose immediate family member has any interest in any pending Township motion, ordinance or resolution which could impair his or her independent judgment shall disclose in writing said interest to the Township Solicitor and shall abstain from the consideration of and the voting upon such matter.

Council members, Township officials and employees shall not disclose confidential information concerning the property, government, or affairs of the Township which could advance the financial or other interests of his or herself, or of any other person.

§2 – 105 Consultation and advice.

Council members or other officials may appear before Township boards, commissions, and authorities on behalf of constituents in the course of their duties as representatives of the electorate, provided that the official or employee may not accept any compensation for such appearance or representation.

§2 – 106 Employees’ outside employment.

Township employees who wish to obtain outside employment shall inform the Township Manager in writing, and shall not engage in any outside employment which may hinder the objectives and impartial performance of their public duties, embarrass the Township, or otherwise impair their efficiency with regard to their Township employment. Employees who do engage in outside employment must sign a waiver that provides:

“The undersigned, an employee of Concord Township, does hereby waive and release the Township from any liability in the event of any injury, sickness or disability incurred by reason of any employment accepted by the undersigned, other than as an employee of Concord Township. This waiver shall be binding upon my heirs, representatives and assigns.”

§2 – 107 Council members’ term of office and thereafter.

No Council member may, during the term of office, or for a period of one year after leaving office: (1) serve as a Township employee; (2) be employed or compensated by any individual

or business serving as a contractor to the Township or any Township authority, Board or Commission; and/or (3) serve as a paid consultant of the Township or any Township authority, Board or Commission. Further, no Council member may hold any other elective public office during the term of their office as a Township Council member.

§2 – 108 No use of public office for political campaigns.

Officials and employees shall not use Concord Township offices, office supplies, administrative services, equipment, or resources of any kind for political campaigns.

§2 – 109 No promises of appointment.

No Township Council member, official or employee, whether elected or appointed, shall promise an appointment to any Township position as a reward for any political activity.

§2 – 110 No improper treatment of documents.

No Township Council member, official or employee shall alter, falsify or destroy any official document, record or file, or cause the alteration, falsification or destruction of any official document, record or file.

ARTICLE III - PERSONNEL POLICY

§3 – 100 Equal Opportunity.

The Township shall provide equal employment and advancement opportunities to all individuals, and hiring decisions will be based on merit, qualifications, and abilities.

§3 – 102 Non-Discrimination.

Concord Township shall not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, political affiliation, veteran's status, or any other characteristic protected by law.

§3 – 103 Employee Handbook.

Concord Township will provide every Township employee with a copy of the Township Employee Handbook. References may be made to the Concord Township Employee Handbook, which may be amended and/or supplemented from time to time by the Township Manager after consultation with Council. All Township Employees shall comply with the terms and conditions of the Employee Handbook.

ARTICLE IV - COMPETITIVE BIDDING & PROCUREMENT POLICY

§4 – 100 Purchasing and Contracts.

All contracts for which competitive bidding is required, for the purchase of materials, equipment, services and supplies, and for all maintenance, repairs or construction, shall be obtained only as set forth in the Township's Home Rule Charter Section 4.14, *Letting of Contracts and Requirements for Competitive Bidding*, and also in accordance with the Second Class Township Code, Competitive Bidding of Contracts, and the *Purchasing Handbook* (Pennsylvania Governor's Center for Local Government Services, 13th ed., February 2019 and subsequent revisions). Said Purchasing Handbook is hereby incorporated by reference and made a part of this Section.

ARTICLE V - ADMINISTRATIVE STRUCTURE AND PROCESSES

§5 – 100 Concord Township Departments.

All departments, offices and agencies in existence on the date of enactment of this Amendment to the Township Code pursuant to Section 5.01 of the Home Rule Charter, unless contrary to the Code or the Charter, shall continue to operate until the Council provides otherwise. The Township Manager, in accordance with Township Council approval, maintains and updates organizational charts annually based on work force needs within each Department.

§5 – 101 Concord Township Council.

The Township Council, the governing body of the Township, consists of seven (7) elected members. The authority, duties and responsibilities of Council Members are set forth in the Second-Class Township Code, the Concord Township Home Rule Charter, and this Administrative Code.

§5 – 102 Concord Township Appointed Officials.

The appointed Township Officials are those Officials who report directly to Township Council:

- A. Township Manager, Secretary, Open Records Officer
- B. Tax Collector
- C. Vacancy Board Chair
- D. Fire Marshal
- E. Emergency Management Coordinator
- F. Township Solicitor(s)
- G. Township Engineer(s)
- H. Township Land Planner

§5 – 103 Concord Township Departments.

The Departments of Concord Township include:

- A. Administration & Finance
- B. Public Works
- C. Sewer
- D. Code Enforcement
- E. Emergency Management
- F. Parks & Recreation

§5 – 104 Concord Township Boards and Commissions.

The authority, policies and procedures of Concord Township's Boards and Committees are set forth in the Municipalities Planning Code, the Second-Class Township Code, and the Concord Township Home Rule Charter. At the time of passage of this Administrative Code, the Township's Boards and Commissions are: the Zoning Hearing Board; the Planning Commission; the Parks and Recreation Board; the Historical Commission; and the Open Space Committee.

§5 – 105 Vacancies in General.

Council shall follow all procedures pertaining to vacancies in any position as set forth in the Concord Township Home Rule Charter and/or Article IV, Section 407 of the Second-Class Township Code.

ARTICLE VI - BORROWING PROCEDURES

§6 – 100 Borrowing Procedures.

The procedure and requirements for Township borrowing is governed by the Department of Community and Economic Development and set forth in detail in the Local Government Unit Debt Act, 53 P.S. §§8001 et seq., which is incorporated herein by reference.

ARTICLE VII - CLASSIFICATION OF ACCOUNTS

§7 – 100 Classification of Accounts.

The classification of accounts used in the Township accounting system shall be in accordance with the principles and major classifications of revenue and expense accounts shall include those as set forth in the Pennsylvania Center for Local Government Services' **Chart of Accounts**, Fifth Edition, July 2014, and subsequent revisions.

§7 – 101 Account Numbers.

Each of the classifications in the adopted budget shall be treated as a control account for the current year. The Treasurer shall maintain a current list of account numbers. These account numbers shall be used for all financial records in the Township. Each control account for the current year shall be funded by an appropriation and may be revised, amended or transferred as provided in Article IV – **Budget and Finance** in the Concord Township Home Rule Charter.

§7 – 102 Major Classifications.

Major classifications (departments or offices) for expenditure accounts for all funds shall be those which most fully describe the financial operations of the Township. These major classifications shall be subdivided, where appropriate, into control accounts, and into such other classifications as may be needed for clarity and control. The classifications may be further subdivided for effective control.

(a) Subdivisions within Major Classifications.

Subdivisions within the major classifications shall be those in the adopted budget for the current year and may change from year to year. The classification of revenue accounts for other funds shall include the beginning balance and interest earnings, assessments, rents, fees, grants, bond revenue and donations, if applicable, and such other classifications as are used in the annual budget.

ARTICLE VIII - TAX COLLECTION PROCEDURES

§8 – 100 Tax Collector.

Pursuant to Article IV, Section 4.09(B) of the Concord Township Home Rule Charter, Council shall appoint the Tax Collector at the annual reorganization meeting.

The Tax Collector shall be responsible to collect taxes levied under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the Local Tax Enabling Act, as well as 53 P.S. §§66001 and 66002, 53 P.S. §§ 68205-68210, and 54 P.S. § 68301. The Tax Collector position may be held by the Township Treasurer or other finance staff, as directed by Council.

§8 – 101 Collection of Taxes.

The Tax Collector shall collect all taxes duly authorized by Council, including, but not limited to county, township, school, institution district, real estate taxes and earned income taxes. The Township may negotiate with the Garnet Valley School District for the collection of taxes levied by the District.

§8 – 102 Levy of Taxes.

All taxes shall be levied in accordance with the Concord Township Home Rule Charter, Article IV. Budget and Finance, and Sections 3201 through 3210 of the Second Class Township Code and also in accordance with the provisions of the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the Local Tax Enabling Act, as well as 53 P.S. §§66001 and 66002, 53 P.S. §§ 68205-68210, and 54 P.S. § 68301.

ARTICLE IX - FINANCIAL POLICY

§9 – 100 Purpose.

The purpose of this section is to establish a policy for governmental funds tailored to the needs of the Township to ensure against unanticipated events that would adversely affect the financial stability of the Township and jeopardize the continuation of necessary public services. This policy will ensure the Township maintains adequate fund balance/retained earnings and reserves in the Township's various operating funds to provide the Township with: (1) sufficient cash flow for daily financial needs; (2) the ability to secure and maintain investment grade bond ratings; (3) the ability to offset significant economic downturns or revenue shortfalls; and (4) the ability to insure adequate funds for unforeseen expenditures related to emergencies.

§9 – 101 Policy.

The Township will establish and maintain reservations of Fund Balance in each of its various governmental funds pursuant to the Township's adopted Fund Balance Policy (adopted 8/6/2019, and any subsequent revisions thereto), and Sections 1508, 1508.1, 1509, and 3204 of the Second Class Township Code. For purpose of initially establishing the balance and maintaining it hereafter, the Township shall retain the minimum requirement for each fund.

§9 – 102 Unassigned Fund.

Additional funds will be retained in the Unassigned Fund Balance to the extent available to reach target levels. Funds not otherwise restricted or committed as required are available for use at the discretion of Township Council. However, Council and management shall make every effort to use unassigned funds to:

- (1) Avoid Township tax increases when possible;
- (2) Increase reserves as necessary;
- (3) Transfer as necessary to the Capital Projects Fund and Reserve Fund; and
- (4) Use as beginning cash balance in support of our annual budget if necessary.

Council recognizes that the use of any such fund should be appropriate for non-repetitive expenditures as they represent prior year surpluses that may or may not materialize in subsequent years.

(a) Treasurer's Annual Report of Unassigned Fund Balance.

The Township Treasurer shall annually prepare a report documenting the status of the fund balance and present such to Council in conjunction with the development of the annual budget. Should there be excess unreserved and undesignated funds available, the Township Manager and/or Treasurer shall present recommendations for the use of such funds.

SECTION II. REPEALER.

All Township ordinances and parts of ordinances inconsistent with the provisions herein, are hereby repealed and rescinded to the extent of any inconsistency or conflict.

SECTION III. SEVERABILITY

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Concord Township Council that such remainder shall be and shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE


This Ordinance shall take effect five (5) days after the date of its enactment by the Council of Concord Township.

ENACTED and ORDAINED this 8th day of December, 2020.

CONCORD TOWNSHIP COUNCIL



Dominic A. Pileggi, Council President

Attest: 

Amanda Serock, Township Manager