

## CONCORD TOWNSHIP

### ORDINANCE NO. 375

An Ordinance of Concord Township to Amend the Code of the Township of Concord, by incorporating the Concord Township Charter. The Concord Township Charter, which was adopted by the voters of Concord Township, Delaware County, Pennsylvania, at the General Primary election held on Tuesday, April 28, 2016, when the voters of Concord Township approved the question "Shall the Home Rule Charter contained in the report, dated February 11, 2016, of the Concord Township Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plan Law, be adopted by the Township of Concord ", and the vote was certified by the County of Delaware Bureau of Elections on May 16, 2016, indicating a "yes" vote of 2,748 and a "no" vote of 1,889, which Charter will therefore become effective January 1<sup>st</sup>, 2017.

The Concord Township Charter will change the current Second Class Township form of government as follows: the Charter provides for a Township Council of seven members, for the elections to and vacancies in such offices, establishes a Vacancy Board, establishes terms and conditions of office, compensation of members, meeting requirements, establishes the powers, duties and limitations of Council members; establishes ordinance requirements, establishes acts which can only be done by ordinance; creates effective dates and publication requirements for ordinances; establishes the office and the duties of the Township Solicitor, Engineer and Secretary, establishes the powers, duties, qualifications and compensation of the Township Manager; establishes the budget format and advertisement requirements; provides for tax collection, establishes a 5% yearly increase limitation on real estate taxes; provides rules for making changes to an adopted budget; sets a bidding threshold and establishes requirements and procedures for public bidding; requires an annual Township audit; mandates the creation of an Administrative Code by ordinance, establishes topics to be addressed in the Administrative Code, and creates provisions and procedures to govern the transition period from Second Class Township to Home Rule Municipality, and establishes a Transition Committee to draft ordinances, rules and regulations as required by the Charter; provides for future amendment of the Charter; establishes the severability of the enacting ordinance; and defines certain terms used in the Charter.

**Section I.** The Board of Supervisors of Concord Township, Delaware County, Pennsylvania, hereby amends the Code of the Township of Concord by adding thereto Ordinance 375, as Appendix A , "**Concord Township Charter**" to the Code of Concord, to read as follows:

### Concord Township Charter

#### ARTICLE I—GENERAL POWERS

**Section 1.01 - Title.** This Charter, together with all subsequent amendments, shall provide for and constitute the form of government for the Township of Concord. It shall be known and may be cited as the "Concord Township Charter." As used in this Charter, the words "Concord" and "Township" shall mean the Township of Concord, Delaware County, Pennsylvania, a Home Rule Municipality.

**Section 1.02 - Purposes.** The principal purposes of this Charter are to provide for the health, safety, and well-being of the citizens of the Township of Concord and to secure for the citizens of the Township the greatest degree of home rule and residual powers possible.

**Section 1.03 - Status, Powers, and Duties.** The Township of Concord shall continue as a municipal corporation under the name of the Township of Concord and its boundaries shall remain as they are on the Effective Date of this Charter unless changed as provided for by applicable law. The Township of Concord may exercise and perform any power or function not denied it by the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, the General Assembly, or this Charter. The powers and functions that may be exercised shall include, but not be limited to, all those now or hereafter conferred or imposed upon it by this Charter or applicable law together with the rights, privileges, functions, and powers necessarily implied or incidental thereto. All possible powers and functions of the Township, both present and future, are to be considered as if specifically set forth in this Charter and are to be broadly construed in favor of the Township in order to provide the greatest possible power of self-government.

**Section 1.04 - Rights Reserved to the People.** No provision of this Charter and no action by any Township elective official or employee of the Township acting under its authority shall infringe upon the rights, privileges, and powers reserved or guaranteed to individual persons or to the people by the Constitution of the United States or the Constitution of the Commonwealth of Pennsylvania.

**Section 1.05 - State Laws.** The provisions of this Charter shall supersede any state law that is inconsistent to the extent of the inconsistency, except where applicable law prevents a home rule charter from superseding state law.

## ARTICLE II—TOWNSHIP COUNCIL

**Section 2.01 - Township Council.** There shall be a Township Council composed of seven (7) members which shall serve as the governing body of the Township.

**Section 2.02 - Qualifications.** At the time of election or appointment and throughout the term of office, each member of Council shall be a registered voter in the Township and meet all other requirements as may be set forth in this Charter or applicable law. Each member of Council shall have been a resident of the Township continuously for at least two (2) years immediately preceding the date of taking the oath of office.

**Section 2.03 - Election and Term.**

- A. All members of Council shall be elected at-large by the voters of the Township and serve a four (4) year term.
- B. In 2017 the voters shall elect four (4) Council members for terms beginning in January 2018; two (2) for a term of four (4) years and two (2) for a term of two (2) years. The elected positions of two (2) year terms shall only be in effect for transition of the Council to seven (7) members and will become four (4) year terms for the election held in 2019. All Supervisors in office as of the Effective Date of this Charter shall remain in office as Council members under this Charter and serve out the remainder of the terms to which they were elected as Supervisors.

**C. Vacancies in Office.**

- a. If the electors of the Township fail to choose a Council member, or if any person elected to Council fails to serve, or if a vacancy occurs by death, resignation, removal of residency from the Township or otherwise unable to fulfill the duties of the office, Council may appoint a successor who is an elector of the Township and has resided in the Township continuously for at least two (2) years prior to appointment.
- b. Upon the Council's failure to make the appointment as per 2.03 C 1 above within thirty (30) days after the vacancy occurs, the vacancy shall be filled within fifteen (15) additional days by the Vacancy Board.
- c. The Vacancy Board shall consist of the remaining Council Members and one (1) elector of the Township, who shall be appointed by Council at Council's first meeting each calendar year or as soon after that as practical and who shall act as chair of the Vacancy Board. A quorum of the Vacancy Board shall consist of four (4) Members.
- d. If the Vacancy Board fails to fill the position within fifteen (15) days, the chair shall, or if there is a vacancy in the chair the remaining members of the Vacancy Board shall, petition the Court of Common Pleas to fill the vacancy.
- e. If four (4) or more vacancies in Council exist simultaneously, the Court of Common Pleas shall fill the vacancies upon presentation of a petition signed by not less than fifteen (15) electors of the Township.
- f. The successor(s) appointed pursuant to this Section 2.03 C shall hold the office until the first Monday in January after the first municipal election which occurs more than ninety-five (95) days after the appointment occurs, at which election an eligible person shall be elected for the unexpired term(s).

**Section 2.04 - Prohibitions.**

- A. During the term of office, no Council member may:
  1. Hold any other elective public office;
  2. Serve as a Township employee
  3. Serve as a member of any Township authority, board, or commission except where membership on such a body by one or more Council members is provided for in this Charter or applicable law;
  4. Be employed or compensated by any individual or business serving as a contractor to the Township or any Township authority, board, or commission; or
  5. Serve as a paid consultant of the Township or any Township authority, board or commission.
  
- B. For a period of one (1) year after leaving office, no Council member may:
  1. Serve as a Township employee;

2. Be employed or compensated by any individual or business that served as a contractor to the Township or any Township authority, board, or commission during the time of service as a member of Council; or
  3. Serve as a paid consultant for the Township or any Township authority, board, or commission.
- C. The Township shall include a provision in all agreements precluding contractors from employing or hiring during the term of any agreement with the Township any individual whose employment would violate the provisions of this Section 2.04.

**Section 2.05 - Compensation.**

- A. Council shall have the power to fix the annual salary of its members by ordinance. No increase in salary shall become effective for any member of Council until the commencement of a new term of office, and any change in salary must be adopted by ordinance by Council at least twelve (12) months prior to the commencement of a new term.
- B. The maximum annual salary of the members of Council shall be that set forth in the Second Class Township Code for a township of identical population, as the same may be amended from time to time.
- C. No member of Council shall receive a Township pension or other employee benefit by virtue of the position as a member of Council. Council members shall be entitled to proper reimbursement of expenses incurred in the performance of their duties and shall also be entitled to reimbursement of expenses incurred when their duties require they travel outside the Township. Reimbursement for such expenses shall have been previously approved by Council and consistent with any established and effective Township policy.

**Section 2.06 - Quorum.** A quorum shall consist of a Majority of Council.

**Section 2.07 - Organization.**

- A. On the first Monday of January (or in the event of a legal holiday the next business day) Council shall meet and organize by choosing a President and Vice President and such other officers as desired from among its members. These officers shall serve at the pleasure of Council.
- B. The Council President shall preside at meetings of Council, be recognized as head of the Township government for ceremonial purposes, and perform such other duties as may be specified by this Charter, Council, or applicable law. The Vice President shall act as President during the President's absence or inability to serve.

**Section 2.08 - Meetings.** Council shall establish the time, place, and rules of conduct for its regular and special meetings. Regular meetings shall be held at least once in each calendar month. The agenda of each regular meeting shall be Posted for at least seventy-two (72) hours in advance of the meeting. The Posting requirement for a special meeting shall be twenty-four (24) hours. Failure to include an item as part of the Posted agenda shall not preclude Council

from taking action on that item at the meeting, provided that the public shall have the opportunity to comment on such item prior to any action thereupon. Neither public notice nor the Posting of the agenda shall be required during a declared state of emergency.

**Section 2.09 - Powers and Duties.**

- A. Council shall have and may exercise such legislative powers and duties as are conferred or imposed upon it by this Charter, the Administrative Code, Township ordinances or resolutions, and those generally conferred by law to the extent they are not inconsistent with the provisions, spirit, and purpose of this Charter. Specifically, Council shall:
1. Appoint a Township Manager as provided for in this Charter;
  2. Adopt or amend by ordinance an Administrative Code and any other code required by this Charter or desirable for the efficient and effective administration of Township government;
  3. Make appropriations and/or adopt and amend the Township General Fund, capital, and other required budget and the long-range operational, fiscal, and capital plan as provided for in this Charter;
  4. Provide for an annual independent audit of all Township financial transactions as required by this Charter;
  5. Make appointments to Township authorities, boards, and commissions as provided for in this Charter or by applicable law;
  6. Adopt rules for the organization and the orderly conduct of its affairs;
  7. At each reorganization meeting, set the amounts of Bonds for the tax collector, township manager and director of any department permitted to write checks or perform other banking responsibilities on behalf of the Township to ensure the faithful performance of their respective duties; and
  8. Approve the compensation of all Township employees.
- B. Further, Council shall have and may exercise, but shall not be limited to, the following powers:
1. To adopt, repeal, or amend ordinances, resolutions, and motions.
  2. To levy, establish, alter, and abolish taxes except as may be limited by this Charter or applicable law.
  3. To create, combine, alter, and abolish any Township division, department, bureau, office, agency, other administrative unit, authority, board, or commission and the functions, powers, and duties thereof in accordance with applicable law and this Charter, except those not subject to change under the terms of this Charter or applicable law.

4. To confirm, by resolution adopted by affirmative vote of at least a Majority of Council, appointments made by the Township Manager as provided for in this Charter or applicable law.
  5. To approve, by resolution adopted by affirmative vote of at least a Majority of Council, to initiate and/or settle litigation involving the Township.
  6. To approve, by resolution adopted by affirmative vote of at least a Majority of Council, agreements to acquire, lease, sell, convey, vacate, or abandon land, buildings, or other real property.
  7. To make or cause to be made such studies, audits, and investigations applicable to Township government as it determines are in the best interests of the Township, compel the attendance of witnesses and the production of documents and other evidence deemed necessary, and to administer oaths and issue subpoenas signed by the President or Vice President of Council.
  8. To require the attendance of any Township employee, and/or any member or employee of any Township authority, board, or commission at any meeting of the Township Council, and to require they provide such reports and information as Council deems appropriate.
  9. To exercise the right of eminent domain in keeping with applicable law.
- C. Council shall have all necessary, inherent, implied, and incidental powers to perform and execute the duties and functions specified in this section, elsewhere in this Charter, or in applicable law.
- D. Council shall have the power to make provisions for any legislative matters applicable to Township government not otherwise provided for, including, but not limited to, those involving the health, safety, and welfare of the residents of the Township and those desirable for the smooth, orderly, and seamless transition to the government structure provided for in this Charter.

**Section 2.10 - Form of Action by Council.** Actions of Council shall be taken by the adoption of ordinances, resolutions, or motions. The vote on every ordinance shall be taken by roll call. All ordinances, resolutions and motions shall be adopted by an affirmative vote of at least a Majority of Council, except as otherwise provided for in this Charter or by applicable law.

**Section 2.11 - Ordinance Requirements.**

- A. A proposed ordinance may be introduced by any member of Council, shall be in writing, and, except as may otherwise be provided for in this Charter or applicable law, shall be limited to one subject clearly expressed in the title. Ordinances shall be recorded in the ordinance book of the Township. When maps, plans or drawings of any kind are adopted as part of an ordinance, instead of Publishing them as part of the ordinance, Council may refer in Publishing the ordinance to the place where the maps, plans or drawings are on file and may be examined.

- B. Any proposed ordinance may be amended prior to adoption. Any proposed amendments shall be related to the subject of the proposed ordinance and shall require the same number of affirmative votes needed for final passage of the ordinance. If amendments are made in the proposed ordinance before enactment, except for emergency and budgetary ordinances, Council shall at least ten (10) days before enactment re-Publish a summary describing all the provisions in reasonable detail, together with a summary of the amendments.
- C. No proposed ordinance, except an emergency ordinance, may be finally adopted at the meeting at which it is introduced, and, except as may otherwise be provided for in this Charter, the adoption of any ordinance may not occur sooner than the next regular or special meeting of Council held at least ten (10) days after the proposed ordinance was introduced.
- D. Any proposed ordinance may incorporate by reference all or any part of a: technical code; state law or regulation; or federal law or regulation.

**Section 2.12 - Actions Requiring an Ordinance.**

- A. In addition to those actions required elsewhere by this Charter or by applicable law to be taken by ordinance, the following actions shall also require an ordinance:
  - 1. Providing a penalty or establishing a rule or regulation for which a penalty is imposed for violation.
  - 2. Amending or repealing any ordinance previously adopted, except as may otherwise be provided for in this Charter or applicable law.
  - 3. Granting, renewing, or extending a franchise.
- B. In addition to other actions this Charter or applicable law may require Council to take by ordinance and on which it must hold a public hearing, the following actions shall require an ordinance and a public hearing at least ten (10) days prior to a final vote:
  - 1. Adoption of the annual General Fund, capital, and other budget including the levying of taxes;
  - 2. Adoption of the long-range operational, fiscal, and capital plan;
  - 3. Establishing any fee, provided that the amount of the fee may be set by resolution.

**Section 2.13 - Emergency Ordinances.** Council may adopt emergency ordinances when a state of emergency exists by declaration or in the event of substantial public emergency affecting the life, health, property and peace of the citizens of the Township. Emergency ordinances shall be related to the declared state of emergency, may be adopted at the same meeting at which they are introduced, and shall be adopted by affirmative vote of at least a majority of the members of the Council whose presence at the meeting is recorded and who are eligible to vote. An emergency ordinance shall take effect immediately upon adoption and shall automatically stand repealed on the (thirtieth) 30th day following its Effective Date unless

repealed sooner by Council using the same procedure as for the adoption of emergency ordinances.

**Section 2.14 - Effective Date of Ordinances and Resolutions.** All ordinances, except emergency and budgetary ordinances, shall become effective five (5) days after enactment unless a different Effective Date is specified in the ordinance. A resolution shall become effective immediately upon adoption by the Council.

**Section 2.15 - Publication of Ordinance.**

- A. All proposed ordinances, whether original, amended, repealed, revised, consolidated or codified, shall be Published not more than sixty (60) days nor less than ten (10) days before passage.
- B. If the full text is not included in the Published notice, a copy shall be supplied to the Publishing newspaper when the notice is Published, and an attested copy shall be filed within thirty (30) days after enactment in the county law library or other county office designated by the County Council. The date of such filing shall not affect the Effective Date of the ordinance, the validity of the process of the enactment or adoption of the ordinance; nor shall a failure to record within the time provided be deemed a defect in the process of the enactment or adoption of such ordinance.
- C. Any ordinance enacted by Council, except an emergency or budgetary ordinance, shall be Posted in full for a period of at least sixty (60) days after its enactment.
- D. The Township shall Publish an emergency or budgetary ordinance promptly after enactment. It shall remain Posted for a period of at least thirty (30) days after its enactment.
- E. All ordinances shall remain on the Township website or other electronic medium for so long as they shall remain valid.

**Section 2.16 - Recording and Codification.** The minutes, ordinances, resolutions, and motions of Council shall be entered as adopted in the record books of the Township and/or such electronic or other media as may be provided for in the Administrative Code or applicable law for the permanent keeping of Township records. These books or other media shall be in the custody and control of the Township Secretary, and all entries made therein shall be at the Secretary's direction. The Township Secretary shall cause all Township ordinances and any resolutions or motions having legislative effect to be codified within three (3) years after the Effective Date of this Charter and at least every three (3) years thereafter. The record books shall be open and available for public inspection during normal Township business hours.

**Section 2.17 - Limitations/Non-Interference.**

- A. No member of Council shall possess or exercise any power of Council unless such power is specifically delegated by this Charter or by a resolution adopted by the affirmative vote of at least a Majority of Council.
- B. Council, its members and committees shall not direct the day-to-day activities of the employees of the Township except through the Township Manager or the Township Manager's designee.



- C. No individual member of Council, or committee thereof, shall publicly or privately give directions or orders to the Township Manager, any employee of the Township, or any member or employee of a Township authority, board, or commission, or in any way interfere with their work or duties, except as may specifically be provided for in this Charter.
- D. No individual member of Council shall direct or request the Township Manager, any employee of the Township, or any member or employee of a Township authority, board or commission, to appoint, promote, or remove any person, or in any manner take part in, intervene or interfere with, or influence the appointment, promotion, or removal of any person, except as may specifically be provided for in this Charter.

**Section 2.18 - Solicitor.** Council, by Majority vote, shall appoint a Township Solicitor to serve at the pleasure of Council. Council shall fix the compensation of the Township Solicitor. The Township Solicitor shall be licensed to practice law in Pennsylvania and shall not hold other elected or appointed public office in the Township. The Township Solicitor shall serve as the legal advisor to Council, department heads, administrative officers, boards, authorities and commissions, except as otherwise provided by law. Except where special counsel has been appointed by Council or its insurance carrier, Township Solicitor shall represent the Township in legal proceedings or hearings and perform any other duties prescribed by this Charter, by ordinance, or as directed by Council.

**Section 2.19 - Engineer.** Council, by Majority vote, shall appoint a Township Engineer to serve at the pleasure of Council. The Township Engineer shall be a professional engineer registered in the Commonwealth of Pennsylvania, appointed by a Majority of Council. The Township Engineer shall act at the direction of Council. Council shall fix the compensation of the Township Engineer.

**Section 2.20 - Secretary.** Council, by Majority vote, shall appoint a Township Secretary to serve at the pleasure of Council. Council shall fix the compensation of the Township Secretary. The Township Secretary shall serve as secretary to Council and as keeper of the Township Seal and shall attest to official actions taken by Council. The Township Secretary shall maintain and Publish a calendar for regular meetings of boards, commissions and authorities and shall be custodian of the records and minutes of the same, and shall place all minutes on the Township website within three (3) days after approval. The Township Secretary shall perform such other functions as may be directed by Council and as may be required by this Charter, by ordinance, or by law. The Township Manager may serve as the Secretary and those duties shall not be incompatible with the duties of the Township Manager.

### ARTICLE III—TOWNSHIP MANAGER

**Section 3.01 - Township Manager.** The Township Manager shall serve at the pleasure of Council and shall serve as the chief administrative officer of government and be responsible for the administration of all Township operations placed in the Manager's charge by this Charter, the Administrative Code, and Township ordinances or resolutions. The Township Manager shall devote full time to the office.

**Section 3.02 - Appointment and Qualifications.** The Township Manager shall be appointed by resolution of Council adopted by an affirmative vote of at least a Majority of Council. The Township Manager shall be appointed on the basis of executive abilities and administrative qualifications as evidenced by professional preparation, training, and experience in public administration, finance, and/or other fields that demonstrate substantial ability to perform the functions of Township Manager.

**Section 3.03 - Compensation.** The terms of employment of the Township Manager shall be set by resolution of Council adopted by an affirmative vote of at least a Majority of Council.

**Section 3.04 - Prohibitions.** During the time the Township Manager holds this position, the Township Manager shall not:

- A. Hold elective public office;
- B. Hold other public employment;
- C. Serve as a member of a Township authority, board, or commission except as may be allowed by this Charter;
- D. Be employed or compensated by any individual or business serving as a contractor to the Township or any Township authority, board, or commission;
- E. Serve as a paid consultant for the Township or any Township authority, board, or commission; or
- F. Actively engage in any other business or occupation during normal Township business hours.

**Section 3.05 - Removal.** Council may suspend the Township Manager pending removal. The Township Manager may only be removed by an affirmative vote of at least a Majority of Council. Council shall promptly notify the Township Manager of any such suspension or removal in writing.

**Section 3.06 - Acting Township Manager.** The Township Manager shall designate an employee from among the Township's administrative officials who shall serve as Acting Township Manager and exercise the powers and duties of the Township Manager during the Township Manager's suspension, temporary absence, incapacity, or inability to serve. The designation shall be in the form of a letter filed annually with Council, and the Township Manager may change it at any time by filing a new letter. If the Township Manager fails to make such a designation, the designated individual is unable to serve, or Council for any reason wishes to change the Township Manager's designation, Council, by resolution adopted by an affirmative vote of at least a Majority of Council, may designate an Acting Township Manager from among the Township's administrative officials. Council may change its designation at any time.

**Section 3.07 - Powers and Duties.**

The Township Manager shall have and may exercise such executive and administrative powers and duties as are conferred or imposed by this Charter, the Administrative Code, other Township ordinances or resolutions, and those generally conferred upon township governments in the Commonwealth of Pennsylvania by applicable law to the extent they are not inconsistent with the provisions, spirit, and purpose of this charter. Specifically, the Township Manager shall:

- A. See that all relevant laws, provisions of this charter, ordinances, resolutions, all policies and other actions of Council for the administration of Township operations are faithfully executed.
- B. Supervise and direct, or delegate the power to supervise and direct, the administration, operation, and the internal organization of the administrative units of the Township government.
- C. Appoint, promote, discipline, suspend, and remove, or delegate the power to appoint, promote, discipline, suspend, and remove all Township employees, subject to the terms and conditions of the Administrative Code, Township personnel policies, applicable labor contracts, and applicable laws.
- D. Prepare or cause to be prepared the annual budget and the long-range operational, fiscal, and capital plans and submit them to Council for its consideration in accordance with the provisions of this Charter.
- E. Prepare or cause to be prepared the Administrative Code and submit it to Council for consideration in accordance with the provisions of this Charter.
- F. Keep Council informed as to the financial condition of the Township and the activities and operations of the administrative units of the Township government.
- G. Present an annual "State of the Township" report at a meeting of Council within sixty (60) days after the close of the fiscal year.
- H. Represent the Township in inter-governmental relationships, in meetings and negotiations with the heads of other governmental or quasi-governmental bodies, and in matters relating to economic development.

#### **ARTICLE IV—BUDGET AND FINANCE**

**Section 4.01 - Fiscal Year.** The fiscal year of the Township shall begin on January 1 and end on December 31.

**Section 4.02 - Township Budget.** The Township Manager shall submit to Council no later than sixty (60) days before the end of the current fiscal year the proposed Township budget for the ensuing fiscal year. The budget shall provide a complete and balanced financial plan for all Township funds and activities. The budget shall be in the form of an ordinance and shall include all proposed expenditures and other uses, all anticipated revenues and other sources of income, and any unreserved fund balance to be used. The total of all budgeted expenditures and other uses in the budget shall not exceed the total of all budgeted revenues and other sources of income, plus any unreserved fund balance to be used. The budget shall clearly define all rates of taxation.

**Section 4.03 - Budget Format.** The format of the proposed budget shall be as provided for in the Administrative Code. However, the budget shall, at a minimum:

- A. Be a line item budget structured by administrative unit or budgetary function, and meet current recognized best practices.
- B. Provide comparative figures on actual year-to-date and estimated remaining revenues and other sources of income and expenditures and other uses for the current fiscal year and actual figures for at least the preceding two (2) fiscal years.
- C. Enumerate proposed capital expenditures by project and, where practical, by administrative unit or budgetary function, identify the method of financing each capital expenditure.

**Section 4.04 - Budget Message.** The proposed budget submitted by the Township Manager shall include a budget message that shall serve as a simple and clear summary of the budget. The budget message shall:

- A. Describe the important features of the budget;
- B. Explain Township programs, goals, and objectives for the ensuing fiscal year along with their financial implications;
- C. Indicate any major changes from the current year in financial policies, expenditures, revenues, and personnel complement together with the reasons for such changes;
- D. Summarize the Township's debt position; and
- E. Include such other information as the Township Manager deems appropriate.

**Section 4.05 - Public Inspection.** Concurrent with the submission of the proposed budget to Council, the Township Manager shall Post a summary and a complete form of the budget and Publish a summary of the budget. The Published summary shall indicate that a full copy of the budget is available for public inspection in the Township Manager's office during normal Township business hours.

**Section 4.06 - Public Hearing.** Council shall hold at least one (1) public hearing on the proposed budget not sooner than seven (7) days and not later than twenty-one (21) days following receipt of the proposed budget from the Township Manager.

**Section 4.07 - Effective Date of the Budget.** Except as may otherwise be provided for in this Charter, subsequent to the public hearing(s) but not later than December 31 of the year in which the proposed budget is submitted, Council shall adopt the budget by ordinance. The budget as adopted shall become effective on January 1 of the budget year.

**Section 4.08 - Failure to Adopt.** Except as may otherwise be provided for in this Charter, if Council fails to adopt any budget by December 31 of the year in which the budget is submitted:

- A. The current year's budget for that fund or activity and all rates of taxation shall stand adopted and enacted to the same extent as if favorable action had been taken by Council.
- B. All rates of taxation in the current year shall carry forward into the year for which Council failed to adopt a budget as though action to set those rates had been taken by Council.

**Section 4.09 - Tax Collection.**

- A. The Township shall collect all county, township, school, institution district and other taxes levied within townships authorized to levy taxes. For tax-levying authorities, other than the township, a tax collector may be employed by the tax-levying authority to collect taxes levied under the act of December 31, 1965 (P.L. 1257, No. 511), known as "The Local Tax Enabling Act." In addition to the powers, duties and responsibilities under this act, the Township shall exercise all the powers and perform all the duties and be subject to all the obligations and responsibilities for the collection of taxes as are conferred upon tax collectors by law.
- B. Council shall appoint the tax collector at the annual reorganization meeting. The Township Administrative Code shall provide the process in accordance with appropriate laws for the collection of taxes.

**Section 4.10 - Annual Limits on Property Tax Revenue.**

- A. Beginning in 2018, in no year shall the sum of budgeted Township revenue from Real Estate Taxes be increased by more than five percent (5%) above the preceding year's budgeted revenue from Real Estate Taxes and, if necessary, the Township shall take appropriate action to reduce budgeted revenues to accomplish this. The calculation of this limitation shall exclude tax revenues dedicated to debt service.
- B. Notwithstanding the limitation set forth in Section 4.10 A of this Charter, budgeted Township revenue from Real Estate Taxes may be raised to an amount greater than five percent (5%) above the preceding year's budgeted Real Estate Tax revenues. Such increase may occur upon adoption by the Council of a resolution by an affirmative vote of at least a Supermajority. Such resolution to exceed the revenue limits shall only be valid for one (1) year.

**Section 4.11 - Changes in the Budget.**

- A. During the first thirty (30) days of any fiscal year, Council may, by resolution adopted by an affirmative vote of at least a Majority of Council, amend the budget in order to correct any technical errors or omissions as defined by Council or the Township Manager.
- B. Prior to February 15 in the year following a municipal election, Council may amend the budget and the rates of taxation by ordinance. Council shall hold at least one (1) public hearing on the proposed amendment(s), commencing not earlier than seven (7) days following introduction of the proposed amendment(s).
- C. Council may by resolution transfer unencumbered monies from one Township account to another, but no monies may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. No monies shall be paid out of the Township treasury except upon appropriation made according to law.
- D. Council may by resolution make supplemental appropriations for any purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law. Supplemental

appropriations may be made whether or not an appropriation for that purpose was included in the budget adopted by Council for that fiscal year.

- E. No amendment or other change to the budget, including emergency actions, shall:
1. Reduce expenditures required by law, for debt service, or to meet any estimated unpaid obligation; or
  2. Cause the total of all budgeted expenditures and other uses in any budget to exceed the total of all budgeted revenues and other sources of income, plus any unreserved fund balance to be used.

**Section 4.12 - Emergency Appropriations.** To meet a state of emergency declared in accordance with applicable law, Council may, by emergency ordinance, make appropriations from any source available to the Township and incur indebtedness. Such emergency ordinance shall be adopted by affirmative vote of at least a Majority of Council whose presence at the meeting is recorded and who are eligible to vote. In the absence of a quorum of Council, the Township Manager may make emergency appropriations from any source available to the Township.

**Section 4.13 - Lapse of Appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until its purpose has been accomplished or abandoned, unless three (3) years pass from the time of a capital appropriation without any disbursement from or encumbrance of the appropriation, in which case the appropriation shall lapse.

**Section 4.14 - Letting of Contracts and Requirements for Competitive Bidding.**

- A. Except as otherwise provided in this Charter, the Township may only procure goods, materials, supplies or services whose value exceeds the Bidding Threshold by contract with the lowest responsible bidder after competitive bidding.
- B. The Administrative Code shall establish a procedure for competitive bidding as it shall from time to time deem advisable and in accordance with applicable law and this Charter. Competitive bidding shall not be required for:
1. Labor or services rendered by any Township officer or employee;
  2. Contracts for labor, materials, supplies or services aggregating less than the Bidding Threshold;
  3. Contracts relating to the acquisition or use of real property;
  4. Contracts for professional or unique services or supplies, or for which the Township Engineer has rendered an opinion that a particular item is necessary or in the best interest of the Township due to compatibility with existing capital assets;
  5. Contracts for insurance and surety company bonds, except that the use of competitive bidding for such items shall be encouraged where practicable;
  6. Contracts for emergency repairs;

7. Contracts with other governmental entities, authorities, agencies or political subdivisions; and
  8. Contracts for the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.
- C. The Township shall not make any contract nor incur any obligation unless there is a sufficient unencumbered balance in an appropriation and that sufficient monies therefrom are or will be available to cover the claim or meet the obligation for the then current fiscal year when it becomes due and payable. Any officer authorizing or permitting any contract to be made in violation of this provision shall be subject to removal from office and liable to the Township for any loss incurred as a result of such action.
- D. All contracts of the Township involving sums in excess of an amount specified by Council in the Administrative Code shall be in writing.
- E. The Manager shall execute all contracts on behalf of the Township. Authorization for contracts for the purchase, sale, lease or use of real estate; or for the construction of public capital improvements shall be given by resolution, and such contracts shall be signed by the presiding officer of Council, as well as the Manager. Any officer authorized to execute a written contract shall submit the form of contract to the Township Solicitor for approval before executing the contract.

**Section 4.15 - Accounting System.** The Township shall employ a fund-based system and adhere to Generally Accepted Accounting Principles.

**Section 4.16 - Annual Financial Audit.** Council shall provide for an annual independent audit of the Township financial statements to be conducted by a certified public accountant or a firm of certified public accountants. This audit shall be made in accordance with generally accepted auditing standards and shall be completed within nine (9) months after the close of the fiscal year.

## ARTICLE V—ADMINISTRATION

### **Section 5.01 - Administrative Code.**

- A. Council shall, by ordinance, adopt an Administrative Code which shall provide for the administrative organization of the Township government, the assignment of duties and responsibilities to department heads, administrative officers and employees. All changes in organization and procedures set forth in the Administrative Code shall be affected by amendment to the Administrative Code in the same manner as other ordinances are enacted and amended.
- B. The Administrative Code shall make adequate provision for, but not be limited to, the following:
1. Code of Ethics;
  2. Conflict of Interest;
  3. Personnel Policy;
  4. Procurement Policy;

5. Competitive Bidding Policy;
6. Administrative Structure and Processes;
7. Borrowing Procedures;
8. Classification of Accounts;
9. Tax Collection Procedures; and
10. Financial Policy.

## **ARTICLE VI—TRANSITIONAL PROVISIONS**

**Section 6.01 - Nature of Article.** The provisions of this Article shall relate to the transition from the Township's existing form of government to the form of government provided for in this Charter. Where inconsistent with any other Article of this Charter, the provisions of this Article shall constitute temporary exceptions thereto.

**Section 6.02 – Effective Date.** The Effective Date of the new form of government provided for in this Charter shall be the Effective Date except that Council shall be a five (5) member body from the Effective Date until such time as the Council members elected in the November 7, 2017 Municipal Election take office on January 2, 2018.

**Section 6.03 - Schedule of Elections.** Elections for Council shall occur as set forth in Section 2.03 B of this Charter. All other elected positions are abolished by this Charter; provided, however, that individuals elected to the position of tax collector and auditor prior to the Effective Date of this Charter shall continue their duties through January 2, 2018. Thereafter any individual holding the elected position of auditor shall continue to hold the title of that office through the expiration of that person's term of office, or earlier vacation thereof.

### **Section 6.04 - Continuity.**

- A. All Township ordinances, resolutions, rules, and regulations in force on the Effective Date of this Charter that are not inconsistent with or interfere with the provisions of this Charter shall continue in force until amended, superseded, or repealed.
- B. All rights, orders, actions, contracts, and legal or administrative proceedings of or involving the Township government shall continue except as may be modified pursuant to the provisions of this Charter.

**Section 6.05 - Authorities, Boards, and Commissions Continued.** All Township authorities, boards, and commissions not specifically abolished, replaced, reconstituted, or restructured by this Charter shall continue and may exercise the powers conferred upon them until such time as may otherwise be provided for in this Charter, the Administrative Code, other Township ordinance or resolution, or applicable law.

### **Section 6.06 - Transitional Procedures.**

- A. Upon approval of this Charter by the voters of the Township, a Transition Committee shall be formed to help ensure necessary or desirable transitional activities are



successfully carried out, and that this Charter may become fully operational on its Effective Date resulting in a smooth, orderly, and seamless transition from the Township's existing form of government to the form provided for in this Charter.

- B. The Transition Committee shall be composed of seven (7) members: the Township Manager; two (2) Supervisors, two (2) members of the Government Study Commission, and two (2) electors of Concord Township. Members shall be selected by the Board of Supervisors at its first meeting after the date upon which the Delaware County Board of Elections certifies the results of the April 26, 2016 Primary Election.
- C. The Transition Committee shall:
  - 1. Be responsible for drafting, for consideration by Council subsequent to the Effective Date of this Charter, any of the ordinances, rules, and regulations required by this Charter or deemed by the Transition Committee to be appropriate.
  - 2. Engage in other activities it deems appropriate for ensuring transitional activities are successfully carried out so this Charter may become fully operational on its Effective Date resulting in a smooth, orderly, and seamless transition from the Township's existing form of government to the form provided for in this Charter.
  - 3. Meet to organize no later than June 2016, and hold such meetings thereafter as it deems necessary to achieve its purpose.
- D. Members of the Transition Committee shall serve without compensation but shall be entitled to reimbursement by the Township for reasonable expenses incurred in the performance of their duties. The Township shall appropriate and pay to the Transition Committee monies deemed by the Transition Committee to be reasonably necessary to fulfill its responsibilities as outlined in this Charter. The Transition Committee may appoint a solicitor, consultants, and clerical assistants to serve at the pleasure of the Committee and may fix reasonable compensation for their services.

#### **ARTICLE VII—GENERAL/MISCELLANEOUS PROVISIONS**

**Section 7.01 - Rights and Liabilities of the Township.** The Township of Concord shall own, possess, and control the rights to property of every kind owned, possessed, or controlled by it on the Effective Date of this Charter, and it shall continue to be subject to all lawful debts, liabilities, and duties, except as may be modified by provisions of this Charter.

**Section 7.02 - Amendment.** This Charter may be amended as provided for in the Home Rule Charter and Optional Plans Law, or successor law.

**Section 7.03 - Severability.** If any Article, Section, Subsection, sentence, clause, or phrase in this Charter shall be held unconstitutional, invalid, or inapplicable by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Charter.

**Section 7.04 - Computation of Time.** When any period of time is referenced in this Charter, such period shall be computed as to exclude the first day and include the last day of such period. Where the last day of any such period shall fall on a Saturday or Sunday, a date upon which the Township is closed for business, or any date made a legal holiday by the laws of the

United States or the Commonwealth of Pennsylvania, such day shall be omitted from the computation.

**Section 7.05 - Definitions.** The following terms, when used in this Charter, shall have the following meanings:

"Bidding Threshold" shall mean the dollar threshold for "Public Work" as that term is defined in the Pennsylvania Prevailing Wage Act, or any successor statute thereto, as the same may be amended from time to time.

"Bond" shall mean a bond pledged as security in favor of the Township and issued by a surety company or other company authorized by law to act as surety. The Township shall pay the premium for any Bond required to be given under this Charter. All Bonds required of any official, officer or employee of the Township to secure the faithful performance of that person's duties shall be in an amount set by Council and estimated to be the highest amount of Township money to which that person may have access at any one time during the term of such Bond.

"Effective Date" shall mean January 1, 2017.

"Majority" shall mean:

- A. From the Effective Date until the reorganization meeting on January 2, 2018, three (3) Council Members; and
- B. From the beginning of the reorganization meeting on January 2, 2018 forward, four (4) Council Members.

"Post" shall mean to post for public inspection in a conspicuous location at the Township Office and on the Township website and/or other electronic medium. With regard to any ordinance, the Township shall be required to Post both the full version and any published summary.

"Publish" shall mean to (a) Post; and (b) publish in summary form once in one (1) newspaper of general circulation within the Township, so long as such newspaper may continue to exist.

"Real Estate Taxes" shall include any tax whose calculation includes as an element the value of real estate established by the Delaware County Board of Assessment and Appeals, or any successor thereto. Real Estate Taxes shall specifically exclude any taxes levied pursuant to the Local Tax Enabling Act, Act of Dec. 31, 1965, P.L. 1257, No. 511, or any amendment thereto.

"Supermajority" shall mean:

- A. From the Effective Date until the reorganization meeting on January 2, 2018, four (4) Council Members; and
- B. From the beginning of the reorganization meeting on January 2, 2018 forward, five (5) Council Members.

**Section 2: Repealer.**

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 3: Severability.**

Shall any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid; such decision shall not affect the validity of the remaining provisions or any part hereof.

**Section 4: Effective Date.**

This Ordinance shall become effective January 1, 2017.

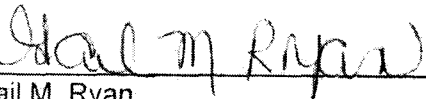
ENACTED and ORDAINED by the Board of Supervisors of Concord Township,  
Delaware County, Pennsylvania this 6th day of December, 2016.

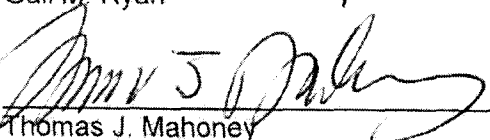
CONCORD TOWNSHIP  
BOARD OF SUPERVISORS


  
\_\_\_\_\_  
Dominic A. Pileggi, Chairman

  
\_\_\_\_\_  
John J. Gillespie, Vice Chairman

  
\_\_\_\_\_  
Elizabeth A. Salvucci

  
\_\_\_\_\_  
Gail M. Ryan

  
\_\_\_\_\_  
Thomas J. Mahoney

Attest:   
\_\_\_\_\_  
Brenda L. Lamanna, Manager