

Appendix A

Bethel Park Home Rule Charter

HOME RULE CHARTER & REPORT

BETHEL PARK GOVERNMENT STUDY COMMISSION

Ballot Date: November 2, 1976
Effective Date: January 2, 1978
Amended by Ballot: November, 1980
Amended by Ballot: November, 1982
Amended by Ballot: May, 1993
Amended by Ballot: November, 1998
Amended by Ballot: May 21, 2013
Amended by Ballot: November 3, 2015

CHARTER
OF THE
MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

BETHEL PARK GOVERNMENT STUDY COMMISSION

James H. McLean, Chairman
Reno Virgili, Vice Chairman
Michael P. Schaefer, Secretary
Roberta A. Trautman, Treasurer
Ronald G. Bugos (May, 1974 to September, 1975)
Rita T. Fardella
Donald L. Harrison
Emma A. Jack
Miriam K. Manion (September, 1975 to November, 1975)
Fred A. McLaughlin

ACKNOWLEDGEMENTS

The members of the Commission extend their gratitude to all the witnesses who testified before the Commission and to all the public-spirited citizens who attended our public meetings. We wish also to thank all other persons who in some way contributed to our efforts.

BALLOT QUESTION

Pursuant to Sections 214 and 215 of Act 62, Home Rule Charter and Optional Plans Law, the Bethel Park Government Study Commission hereby submits the following question to be placed on the ballot:

"SHALL THE HOME RULE CHARTER CONTAINED IN THE REPORT, DATED NOVEMBER 18, 1975, OF THE GOVERNMENT STUDY COMMISSION, PREPARED IN ACCORDANCE WITH THE HOME RULE CHARTER AND OPTIONAL PLANS LAW, BE ADOPTED BY THE BOROUGH OF BETHEL PARK?"	YES
	NO

To The Citizens of Bethel Park:

Having entered the decade of the 70's, local government Home Rule is on the rise and is recognized as one of the most important tools available for identifying and solving the myriad of problems confronting municipalities, including our own Bethel Park.

The 1968 amendment to the Pennsylvania Constitution gave such municipalities the right to study their local government and to adopt Home Rule. Four years later, the Pennsylvania General Assembly implemented this part of the Pennsylvania Constitution by passing Act 62, known as "The Home Rule Charter and Optional Plans Law".

You, the voters of Bethel Park, had the unique opportunity on two separate occasions, to vote on the referendum question on whether to create a Study Commission for Bethel Park. Both times, you overwhelmingly approved the formation of a Government Study Commission and elected nine members to serve on each Commission. The first Commission was limited to optional plans only. However, that Commission rejected these plans and recommended a Study Commission with power to draft and submit a Home Rule Charter.

In accordance with that recommendation and pursuant to Act 62, the present Commission was selected by you on May 21, 1974 to study the form of government; compare it with other available forms; determine whether or not, in its judgment, the government of Bethel Park can be strengthened, made more clearly responsible and accountable to the people and determine whether its operation could become more economical and efficient.

This study culminated in the Home Rule Charter we now present to you for your study and review. While there are significant changes, for example, the collection of taxes will be performed by an appointed official, the basic structure of your government has not been altered. It is the opinion of the Study Commission that the Home Rule Charter provides a new dimension of jurisdiction and responsibility in local government affairs. This Commission unanimously recommends the adoption of this Home Rule Charter at the November 2, 1976 election so that Bethel Park can have all the benefits of local self-government.

James H. McLean
Chairman

Reno Virgili
Vice-Chairman

Michael P. Schaefer
Secretary

Robert A. Trautman
Treasurer

Rita T. Fardella
Member

Donald L. Harrison
Member

Emma A. Jack
Member

Miriam K. Manion
Member

Fred A. McLaughlin
Member

STATEMENT OF EXPENSES

The following funds, included in the 1974 and 1975 General Fund budgets of the Borough of Bethel Park, have been expended by the Bethel Park Government Study Commission in the conduct of its affairs from May 21, 1974 through November 18, 1975, the date of the filing of its final report:

Stenographic Services		
Betty H. Scheirer	\$2,483.69	
Betty Hayes	<u>325.85</u>	\$2,809.54
Consultants		
Creative Counseling	\$ 500.00	
Christine Altenberger	<u>35.00</u>	535.00
Stationery		
Bethel Park Printing		15.35
Postage		
Borough of Bethel Park		53.16
Publicity and Advertising		
Publix Publications		90.66
Publications		
TNT Printing		199.40
Legal Services		
Donald J. Lee, Esquire		300.00
Xerox Copying		
Borough of Bethel Park		353.55
Typewriter		
Hays Typewriting Company	\$ 435.92	
Maintenance - Hays Typewriter	51.67	
Maintenance on Diskriter -		
Borough of Bethel Park	<u>20.00</u>	507.59
Payroll Taxes		
F.I.C.A. - Borough of Bethel Park		<u>164.36</u>
TOTAL		\$5,028.61

In addition to the above expenditures, the Borough provided without charge the use of meeting rooms and mailing facilities. The individual Commission members provided without charge supplies and telephone usage from their personal funds and made available certain secretarial and clerical services from their business and professional offices. No attempt was made to value such unreimbursed expenses.

Anticipated expenditures after November 18, 1975

The Commission anticipates that expenditures of approximately \$2,500.00 will be made after November 18, 1975 for the costs incurred and to be incurred in regard to the following.

Legal and consultation fees in reviewing the Home Rule Charter and Final Report estimated at \$200.00, costs of printing the recommended Home Rule Charter and Final Report (5,000 copies) at \$2,130.00 and other miscellaneous expenditures.

James H. McLean
Chairman

Reno Virgili
Vice-Chairman

Michael P. Schaefer
Secretary

Roberta A. Trautman
Treasurer

Rita T. Fardella
Member

Donald L. Harrison
Member

Emma A. Jack
Member

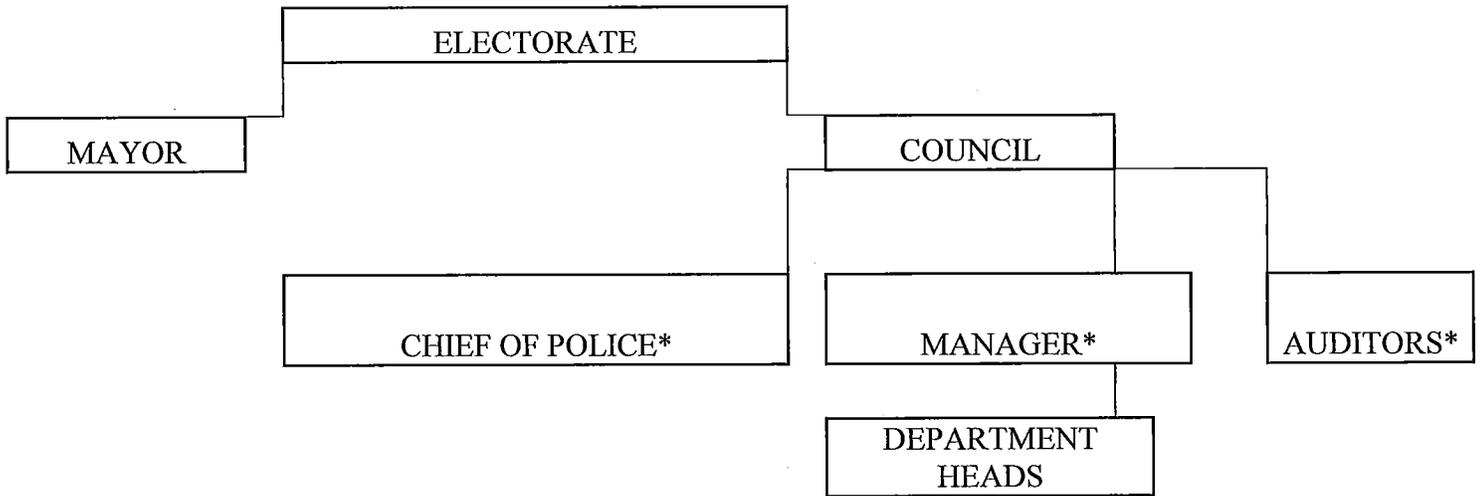
Miriam K. Manion
Member

Fred A. McLaughlin
Member

Sworn to and Subscribed
before me this 18th day
of November, 1975.

Betty H. Scheirer
Notary Public

PRESENT FORM OF GOVERNMENT



*Appointed by Municipal Council

HOME RULE CHARTER OF BETHEL PARK, PENNSYLVANIA

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ARTICLE 1	
NAME, BOUNDARIES AND POWERS OF THE MUNICIPALITY	
101 Name.....	1
102 Boundaries.....	1
103 Powers.....	1
ARTICLE 2	
MAYOR	
201 Term of Office.....	1
202 Eligibility.....	1
203 Oath of Office.....	2
204 Salary.....	2
205 Signing of Ordinances.....	2
206 Veto.....	2
207 Tie Breaking.....	3
208 General Powers and Duties.....	3
ARTICLE 3	
COUNCIL	
301 General Powers and Duties.....	4
302 Composition.....	4
303 Term of Office.....	4
304 Eligibility.....	4
305 Oath of Office.....	5
306 Salary.....	5
307 Regular Meetings.....	5
308 Special Meetings.....	5
309 Emergency Meetings.....	5
310 Quorum.....	6
311 Minutes.....	6
ARTICLE 4	
AUDITORS	
401 Auditors.....	6
402 Audit Results.....	6
403 Appointment.....	6
404 Duties.....	6
405 Appeals.....	7

Section

Page

ARTICLE 5
MUNICIPAL MANAGER

501	Qualifications.....	7
502	Appointment and Removal.....	7
503	Acting Municipal Manager.....	8
504	Temporary Vacancy.....	8
505	Prohibitions.....	8
506	Powers and Duties.....	8

ARTICLE 6
PUBLIC SAFETY

601	Police Department.....	9
602	Chief of Police.....	9
603	Fire Official.....	10

ARTICLE 7
FINANCIAL OFFICER

701	Qualifications.....	10
702	Appointment and Removal.....	10
703	Duties and Responsibilities.....	11

ARTICLE 8
PLANNING AND DEVELOPMENT

801	Planner.....	11
802	Comprehensive Plan.....	12
803	Implementation of the Comprehensive Plan.....	12

ARTICLE 9
MUNICIPAL SOLICITOR

901	Legal Counsel.....	13
902	Removal.....	13

ARTICLE 10
BUDGET AND FINANCE

1001	Fiscal Year.....	13
1002	Submission of Budget.....	13
1003	Capital Program.....	13
1004	Appropriation to BPVFC.....	14
1005	Action on the Budget.....	14
1006	Adoption.....	14

Section

Page

ARTICLE 11
ORDINANCES AND RESOLUTIONS

1101 Preparation..... 14
 1102 Introduction..... 14
 1103 Advertisement..... 15
 1104 Action by Mayor..... 15
 1105 Recording of Ordinances and Resolutions..... 15
 1106 Ordinances Requiring Prior Public Hearing..... 15
 1107 Effective Date..... 16
 1108 Complaints..... 16

ARTICLE 12
INITIATIVE AND REFERENDUM

1201 General Authority..... 16
 1202 Commencement of Proceedings; Petitioners' Committee;
 Affidavit.....16
 1203 Petitions..... 17
 1204 Procedure After Filing Petitions..... 17
 1205 Referendum Petitions; Suspension of Effective Date of
 Ordinances..... 18
 1206 Action of Petitions..... 18
 1207 Results of Election..... 19
 1208 Referendum Amendments..... 20

ARTICLE 13
CONTRACTS

1301 Requirements..... 20
 1302 Competitive Bidding..... 20
 1303 Bidding Procedure..... 20
 1304 Exceptions to Competitive Bidding..... 20
 1305 Real Property Appraisals..... 21
 1306 Maximum Term of Certain Contracts..... 21
 1307 Personal Interest..... 21

ARTICLE 14
GENERAL PROVISIONS

1401 Effective Date..... 21
 1402 Eminent Domain..... 21
 1403 Vacancies, Forfeiture of Office & Filling of Vacancies. 21
 1404 Conflict of Interest..... 22
 1405 Public Officials' Bond..... 22
 1406 Administrative Code..... 22
 1407 Continuance of Existing Ordinances..... 23
 1408 Severability..... 23

HOME RULE CHARTER OF BETHEL PARK, PENNSYLVANIA

ARTICLE 1

NAME, BOUNDARIES AND POWERS OF THE MUNICIPALITY

Section 101. Name

Bethel Park shall hereafter be a HOME RULE CHARTER MUNICIPALITY under the name of "Bethel Park". As used in this Charter, the word "Municipality" shall mean the Municipality of Bethel Park in Allegheny County, Pennsylvania.

Section 102. Boundaries

The Municipality shall be divided into nine (9) wards, the boundaries of which shall be co-terminus with the boundaries existing in the Municipality of Bethel Park at the time this Charter is adopted and as lawfully changed thereafter.

Section 103. Powers

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

ARTICLE 2

MAYOR

The Mayor shall be recognized as the spokesman of the Municipality. He shall be in attendance at all Council meetings, shall have a voice in all matters before Council and shall have authority and perform such duties as are assigned under this Charter.

Section 201. Term of Office

The Mayor shall be elected at large by the electors of the Municipality for a term of four (4) years at the municipal election to be held in the year 1977 and every four (4) years thereafter. He shall continue in office for the extent of his elected term unless his term is terminated for any reason including but not limited to death, resignation, legal removal or termination of residency in the Municipality. (For filling of vacancy, see Article 14, Section 1403).

Section 202. Eligibility

All candidates for the office of Mayor shall be registered electors of the Municipality. They shall be bonafide residents of the Municipality at the time they file for nomination and shall continuously remain bonafide residents

of the Municipality during the election year and throughout their term of office, if elected. The Mayor shall not be a member of Council nor shall the Mayor hold any other public, elected or appointed, office within the Municipality during his term.

Section 203 Oath of Office

The Mayor, prior to assuming office, shall take and sign an oath of office as prescribed by Pennsylvania law. Such oath may be taken and signed before any Judge or Magistrate of the Commonwealth. No person shall be permitted to assume such office until the oath, in written form, is filed with the Municipal Manager.

Section 204 Salary

The Mayor shall receive the same compensation as received by the Mayor of the Municipality on the day before the effective date of this Charter, or such other sum as set by Council by ordinance. Such compensation shall not be increased or decreased during the term of which the Mayor was elected or appointed. No such increase or decrease shall be effected by ordinance for the forthcoming term after the first day to file for the primary election for said office.

The Mayor shall receive no other compensation, direct or indirect, for the performance of duties and shall receive no pensions or other forms of fringe benefits. The Mayor shall, however, be entitled to actual, necessary, documented expenses incurred within the budget limitations in the performance of the duties of the office and presented to and approved by Council in public session. The budget shall include a reasonable appropriation for the Mayor's expenses which may be exceeded only with prior approval by Council at a regular meeting.

Section 205 Signing of Ordinances

Before any ordinance shall become effective, it must first be submitted to the Mayor for his approval. The Mayor shall sign the ordinance if he approves it, whereupon it shall become law as of its effective date.

Section 206 Veto

The Mayor shall have the power to veto any ordinance adopted by Council. If the Mayor vetoes an ordinance, he shall return it to Council with the reasons for such disapproval submitted in a formal letter at the first regular meeting thereof held not less than ten (10) days after the Mayor receives the ordinance. If Council at the regular meeting at which the veto letter is submitted shall adopt the ordinance by a veto of two-thirds (2/3) of all its members, it shall become law as of its effective date. If the Mayor does not return the ordinance within the time required, it shall become law as of the effective date without the Mayor's approval.

Section 207 Tie Breaking

The Mayor shall not vote on matters presented to Council except where, by reason of a tie vote, Council cannot effect an official action on a matter before it.

It such cases, the Mayor may cast a deciding vote or may request that the matter be tabled until a special meeting of Council is held not less than five (5) nor more than ten (10) days subsequent to the tie vote. If at this special meeting, Council is unable to effect an official action on the matter and a tie vote still exists, the Mayor shall cast the tie breaking vote. If the Mayor is not in attendance at the special meeting and Council is unable to effect an official action on the matter, the matter shall be considered defeated.

If the Mayor is not in attendance at a regular meeting which has a tie vote, the matter shall be tabled to a special meeting to be held not less than five (5) and not more than ten (10) days subsequent to the tie vote and the Mayor shall be given five (5) days' written notice of such meeting. If at this special meeting, Council is unable to effect an official action on the matter and a tie vote still exists, the Mayor shall cast the tie breaking vote. If the Mayor is not in attendance at the special meeting and Council is unable to effect an official action on the matter, the matter shall be considered defeated.

Section 208 General Powers and Duties

In addition to powers and duties otherwise provided for herein, the Mayor shall exercise the powers and perform the duties as follows:

A. Be recognized as the spokesman of the Municipality for all ceremonial purposes;

B. Execute or authenticate such instruments as required by this Charter, Council or other State or Federal law;

C. Study the operations of the municipal government and report to Council on the state of the Municipality with recommendations for measures deemed to improve municipal affairs. This report shall be given at least annually at the regular meeting in June;

D. Be recognized, by the Governor, as the head of government for purposes of martial law. Any powers that Council may establish by ordinance to resolve emergencies shall be enforced by the Mayor;

E. Have the authority to appoint and dissolve voluntary committees of interested citizens to assist and advise the Mayor on issues and matters pertaining to the affairs of the Municipality;

F. Exercise such additional powers and perform such additional duties as shall be mutually agreed upon by the Mayor and Council, and which are not inconsistent with the provisions of this Charter;

G. Have the authority to negotiate intergovernmental co-operative agreements which shall be subject to final ratification of Council. The Mayor shall give prior notification to Council on any intent to negotiate such agreements and shall provide Council with periodic reports of the negotiations.

ARTICLE 3

COUNCIL

Section 301 General Powers and Duties

All powers of the Municipality shall be vested in Council, except as otherwise provided by this Charter.

Section 302 Composition

There shall be a municipal Council of nine (9) members. Each ward shall be represented by one (1) Council member to be elected by the registered electors of the ward the member is to represent.

Section 303 Term of Office

The term of Council members shall be for four (4) years commencing at 8:00 P.M. on the first Monday of January following the year in which elected.

They shall continue in office for the extent of their elected terms unless their term is terminated for any reason including but not limited to death, resignation, legal removal or termination of residency in their respective wards. (For filling of vacancy, see Article 14, Section 1403).

Section 304 Eligibility

All candidates for the office of Council member shall be registered electors of the Municipality. They shall be bonafide residents of their ward at the time they file for nomination and shall continuously remain bonafide residents of their respective wards during the election year and throughout their term of office, if elected. No member of Council shall hold any other public, elected or appointed, office within the Municipality during their term.

No incumbent member of Council shall be made ineligible to hold office by reason of redistricting during the term of office, but shall continue to represent the district from which originally elected for the remainder of the elected term.

Section 305 Oath of Office

Members of Council, prior to assuming office, shall take and sign an oath of office as prescribed by Pennsylvania law. Such oath may be taken and signed before the Mayor, any Judge or Magistrate of the Commonwealth. No person shall be permitted to assume such office until the oath, in written form, is filed with the Municipal Manager.

Section 306 Salary

Each member of Council shall receive the same compensation as received by Council members of the Municipality on the day before the effective date of this Charter, or such other sum as set by Council by ordinance. Such compensation shall not be increased or decreased during the term for which any member of Council was elected or appointed. No such increase or decrease shall be effected by ordinance for the forthcoming term after the first day to file for the primary election for said office.

Members of Council shall receive no other compensation, direct or indirect, for the performance of their duties and shall receive no pensions or other forms of fringe benefits. When, however, Council shall in a public meeting direct certain activities to be performed, members of Council shall be entitled to actual, necessary, documented expenses incurred in the performance of these functions and activities.

Section 307 Regular Meetings

Council shall meet in regular session at least monthly at such time and place as shall be fixed by Council for the following year at the regular meeting in December.

Section 308 Special Meetings

Council may have special meetings; however, the time, place and specific agenda items for such special meetings shall be published at least twenty-four (24) hours prior to the meeting in a general distribution publication circulating in the Municipality. Official action can be taken only on agenda items. All Council members must be notified at least twenty-four (24) hours prior to the special meeting. A special meeting may be called by Council President, but shall be called upon written request of three (3) Council members.

Section 309 Emergency Meetings

Council may have emergency meetings as required. An emergency meeting may be called by the Mayor or Council President. A reasonable effort must be made to notify all Council members of the time and place of the emergency meeting. Any action taken at an emergency meeting shall be ratified at the next regular meeting of Council.

Section 310 Quorum

Five (5) members of Council shall constitute a quorum at all Council meetings. All official action shall require at least four (4) affirmative votes.

Section 311 Minutes

Council shall make and preserve minutes of its meetings which shall be public records.

ARTICLE 4

AUDITORS

Section 401 Annual Audit

The Municipal Council shall provide for an independent annual audit of all municipal revenues, expenditures and accounts, including capital accounts, by a certified public accountant or a firm of certified public accountants. The Municipal Council may provide for more frequent audits, as well as special audits, as it deems necessary.

Section 402 Audit Results

The results of the annual audit financial statement of the fiscal affairs of the Municipality shall be presented to the Municipal Council and the Municipal Manager. A summary thereof, said summary to include the results of all special audits conducted during the fiscal year, shall be published in a newspaper circulating generally in the Municipality on or before April 15th following the fiscal year audited. Audit results must comply with the Pennsylvania Department of Community Affairs regulations for filing as well as all other legislative restrictions. Council may, by ordinance, provide for the immediate publication of the summary of special or additional audits as it deems necessary.

Section 403 Appointment

The Council may, without requiring competitive bids, designate a certified public accounting or firm of certified public accountants annually or for a period not to exceed three (3) years, provided that the designation for any particular fiscal year shall be made no later than July 30th of the fiscal year to be audited.

Section 404 Duties

The auditors shall audit, settle and adjust the accounts of all appointed Municipal officers and other officers and persons receiving and disbursing or

authorizing disbursement of the monies of the Municipality during the preceding fiscal year.

Auditors shall complete their audit settlement and adjustment and file copies thereof with Council, the Municipal Manager and with other agencies as required by law.

Auditors shall audit and report to Council on the accounts of all officers referred to in the first paragraph of this section following the death, resignation or removal of such officer. Such audit shall be completed within sixty (60) days of the vacancy.

Section 405 Appeals

It shall be lawful for the Municipality or any taxpayer thereof, on its behalf, or any officer whose account is settled or audited, to appeal from the settlement or audit, as shown on the auditor's report, to the Court of Common Pleas of Allegheny County in the time and manner provided for by the laws of the Commonwealth. Whenever an appeal has been taken, any taxpayer of the Municipality may intervene in the appeal to prosecute the same on behalf of the Municipality or defend it against the appeal of the person charged with any sum.

ARTICLE 5

MUNICIPAL MANAGER

The Municipal Manager shall be the chief administrative officer of the Municipality and shall be responsible to Council for the administration of all municipal affairs placed in the Municipal Manager's charge by reason of this Charter, ordinance or resolution of Council.

Section 501 Qualifications

Qualifications for the position of Municipal Manager shall be judged on the basis of his demonstrated knowledge and/or skills in the following fields: municipal law, auditing and accounting, personnel work, union-management negotiations, public works, general administration and federal grants and funding programs.

The Municipal Manager need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

Section 502 Appointment and Removal

The Municipal Manager shall be appointed by and report to Council. His appointment shall be for an indefinite period of time. He may be removed with or without cause from office by a majority vote of the entire Council according to the following procedure:

A. A resolution shall be adopted by Council which shall set the date for the Municipal Manager's removal from office;

B. A written copy of Council's resolutions and the reasons for its adoption shall be given to the Municipal Manager at least thirty (30) days before the effective date of removal;

C. Council may, during said thirty (30) day period, suspend the Municipal Manager.

D. Council shall continue to pay the Municipal Manager his salary until the effective date of the final resolution of removal.

The action of Council in removing and/or suspending the Municipal Manager shall not be subject to review by any Court or agency.

Section 503 Acting Municipal Manager

The Municipal Manager may designate, in writing, an employee of the Municipality to exercise the duties of Municipal Manager during the Municipal Manager's temporary absence. During such absence, Council may revoke such designation at any time and appoint another employee of the Municipality to serve until the Municipal Manager shall return. No member of Council or other elected official shall be eligible to serve as Acting Municipal Manager.

Section 504 Temporary Vacancy

Upon a vacancy in the office of Municipal Manager, Council shall appoint an Acting Municipal Manager to exercise the powers and perform the duties of the office. A vacancy may be declared by Council in the event the Municipal Manager fails to name an Acting Municipal Manager.

Section 505 Prohibitions

A. The Municipal Manager shall not participate in the conduct of any political or election campaign other than to exercise the Municipal Manager's own right of suffrage;

B. The Municipal Manager shall not hold any other employment for compensation, except as specifically authorized by Council.

Section 506 Powers and Duties

The Municipal Manager's powers and duties include, but are not limited to:

A. Recommending to Council the appointment, suspension or removal of any municipal employee, except as otherwise provided by this Charter or by law;

B. Causing appropriate records to be made, preserved and certified as required by this Charter, by law or action of Council;

C. Attesting to the execution of all instruments, recording all ordinances and retaining custody of the municipal corporate seal;

D. Directing and supervising all administrative units, offices and agencies, except as otherwise provided by this Charter or by law;

E. Being responsible for carrying out all policies established by Council and for the proper administration of all affairs of the Municipality.

ARTICLE 6

PUBLIC SAFETY

The Police Department shall be administered by a Chief of Police. The Chief of Police shall be appointed by Council and shall be directly responsible to the Municipal Manager. The Police Department shall have all powers and duties granted to it by Council under the applicable ordinances and the applicable provisions of law. The Chief of Police shall not be governed by the provisions of civil service. Amended by Referendum Vote, November, 2015 and corresponding Ordinance of April 13, 2015.

Section 601 Police Department

Subject to this Charter and to the civil service provisions of the Municipality established before and after the effective date of this Charter, Council shall:

A. Appoint, establish the rank and compensation of the police and prescribe all necessary rules and regulations for the organization and operation of the Police Department.

B. Appoint and fix the compensation of the Chief of Police.

Section 602 Chief of Police

A. Qualifications

The Chief of Police shall possess demonstrated knowledge and/or skills in the administration of public safety. The Chief of Police need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

B. Appointment and Removal

The Chief of Police shall be appointed for an indefinite period of time. He may be removed with or without cause from the office by a majority vote of the entire Council according to the following procedure:

1. A resolution shall be adopted by Council which shall set the date for removal from office of the Chief of Police;

2. A written copy of Council's resolutions and the reasons for its adoption shall be given to the Chief of Police at least thirty (30) days before the effective date of removal;

3. Council may, during said thirty (30) day period, suspend the Chief of Police;

4. Council shall continue to pay the Chief of Police his salary until the effective date of the final resolution of removal.

C. Prohibitions

1. The Chief of Police shall not participate in the conduct of any political or election campaign other than to exercise his own right of suffrage;

2. The Chief of Police shall not hold any other employment for compensation, except as specifically authorized by Council.

Section 603 Fire Official

Council shall designate a Fire Official whose duties will be to enforce the provisions of the Fire Code which shall be adopted by Council. The Municipality shall provide the training, if necessary.

ARTICLE 7

FINANCIAL OFFICER

There shall be a Financial Officer appointed by Council who shall report to the Municipal Manager. The Financial Officer shall devote full time to the office. He shall hold no elective or appointive public office nor hold any other municipal office or municipal employment in which he receives salary, compensation or emolument.

Section 701 Qualifications

The Financial Officer shall possess knowledge and/or skills in financial affairs. The Financial Officer need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

Section 702 Appointment and Removal

The Financial Officer shall be appointed for an indefinite period of time and may be removed from office with or without cause by Council.

Section 703 Duties and Responsibilities

The Financial Officer shall:

A. Collect, or cause to be collected, all property taxes, wage tax and other general taxes which Council may levy. Receive all municipal monies from these tax sources, deposit accumulated amounts at least weekly in the General Fund of the Municipality and keep separate accounts of each category of tax source received. These accounts shall at all times be open to inspection of the members of Council and the Municipal Auditors;

B. Co-sign with an officer of Council all checks, drafts or other instruments which disburse municipal funds;

C. Require each department, office, agency, board or commission to certify that the materials, supplies or equipment have been duly received and accepted as specified and that services have been rendered;

D. Insure that no obligation is incurred against any appropriation except in accordance with the designated budget appropriations without proper authorization by Council;

E. Insure that all payments and obligations incurred by the Municipality are in accordance with the provisions of this Charter, law or municipal contract;

F. Temporarily invest available municipal funds to insure maximum return on monies;

G. Deposit the funds of the Municipality in various accounts as designated by the Municipal Manager. All such accounts shall be in the name of the Municipality;

H. Prepare an annual statement of the accounts and submit the same, together with all related records, to the Municipal Auditors for audit;

I. Perform such other related financial duties as shall be required or delegated to him by Council.

ARTICLE 8

PLANNING AND DEVELOPMENT

There shall be a Planner appointed by Council who shall report to the Municipal Manager.

Section 801 Planner

A. Qualifications

The Planner shall possess knowledge and/or skills in municipal planning and development. The Planner need not be a resident, but must become a resident of the Municipality within one (1) year of appointment.

B. Appointment and Removal

The Planner shall be appointed for an indefinite period of time and may be removed from office with or without Cause by Council.

D. Duties and Responsibilities

The Planner shall study and make recommendations on the physical development of the Municipality; the adoption, revision or implementation of the comprehensive plan and the preparation and revision of the capital budget. He shall provide staff assistance and advice to the Municipal Planning Commission in carrying out its responsibilities.

Section 802 Comprehensive Plan

Council shall adopt and may modify a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the Municipality. The comprehensive plan shall serve as a guide to all future Planning Commissions and Council action concerning land use and development regulations and expenditures for capital improvements. This plan shall be reviewed and updated at intervals of no longer than five (5) years.

Council shall refer a proposed comprehensive plan or modification of the existing plan, as prepared by the Planner, to the Municipal Planning Commission for its recommendations. Following receipt of the recommendations of the Planning Commission, the comprehensive plan shall be made available for inspection by the public and a public hearing or hearings held by Council. Council shall thereafter adopt, modify or reject the recommended plan.

Section 803 Implementation of the Comprehensive Plan

A. Land Use and Development Regulations

Council shall by ordinance adopt land use and development regulations, including but not limited to, an official map and zoning and subdivision regulations.

B. Council Action

Before acting on any proposed ordinance concerning land use and development regulations or expenditures for capital improvements, where

such ordinance refers to a matter covered by the comprehensive plan, Council shall refer the matter to the Planning Commission which shall, within a time specified by Council and prior to the public hearing on the proposed

ordinance, report its recommendations thereon.

Upon adopting such ordinance, Council shall report on the relationship between the ordinance and the comprehensive plan. In the event the ordinance does not accord with the comprehensive plan, the plan shall be deemed to have been amended by the adoption of the ordinance.

ARTICLE 9

MUNICIPAL SOLICITOR

Section 901 Legal Counsel

Council shall appoint a Municipal Solicitor for an indefinite period of time and shall fix the salary. The Municipal Solicitor shall be an attorney at law admitted to practice in the courts of this Commonwealth.

Council may, by resolution, appoint an Assistant Municipal Solicitor who shall, in the absence of the Municipal Solicitor, perform the duties and exercise powers of the Municipal Solicitor.

Section 902 Removal

Council may remove the Municipal Solicitor at any time, with or without cause.

ARTICLE 10

BUDGET AND FINANCE

Section 1001 Fiscal Year

The fiscal year of the Municipality shall begin January 1st and end December 31st, unless changed by Council ordinance.

Section 1002 Submission of Budget

On or before September 1st, the Municipal Manager shall submit to Council a proposed budget for the ensuing year with an accompanying message.

Section 1003 Capital Program

At least two (2) months prior to the date for submission of the proposed budget, the Municipal Manager shall submit to Council a five (5) year capital program. The capital program shall include:

- A. A concise, general summary of the program content;
- B. A summary of pending and proposed projects for the five (5) year

period and the estimated cost of each item and the means for financing the program.

C. An estimated cost of operating and maintaining any facilities to be constructed or acquired.

Section 1004 Appropriation to the Bethel Park Volunteer Fire Company

The Council of the Municipality of Bethel Park shall make an annual appropriation of revenue to the Bethel Park Volunteer Fire Company in an amount equal to 0.34 mils. The Council shall determine the manner in which the appropriation is made, amended by Referendum Vote, May 2013 and corresponding Ordinance 2-11-13 and Resolution 5-13-13A.

Section 1005 Action on the Budget

A. Publication

Council shall publish the preliminary capital program by September 1st. A general summary of the preliminary budget and capital program shall be published immediately upon their adoption of one (1) or more newspapers of general circulation in the Municipality; including a notice that the preliminary budget or capital program is available for public view.

B. Advertisement

Advertisement of the preliminary budget or capital program shall include times and places where copies of the preliminary budget and capital program are available for viewing by the public and when hearings shall be held.

Section 1006 Adoption

After adequate public hearing, Council shall adopt the final balanced budget by ordinance prior to the beginning of the fiscal year for which the budget has been prepared.

ARTICLE 11

ORDINANCES AND RESOLUTIONS

Section 1101 Preparation

All proposed ordinances shall be prepared or approved by the Municipal Solicitor. No ordinance shall be prepared for presentation to Council unless ordered by a majority vote of Council, or requested by the Municipal Manager or initiated by the Municipal Solicitor. An exception is the provision outlined in Article 12 providing for Initiative and Referendum.

Section 1102 Introduction

All ordinances shall, before presentation to Council, be approved as to

form and legality by the Municipal Solicitor.

Section 1103 Advertisement

Notice summarizing the subject matter of all proposed ordinances shall be published at least once in a newspaper circulating generally within the Municipality and posted in a conspicuous area of the Municipal Building. Both the publication and the posting shall be accomplished at least five (5) days but not more than twenty-five (25) days prior to the meeting at which the ordinance will be introduced.

After adoption, all ordinances shall be published once in a newspaper circulating generally within the Municipality. The full text of the ordinance need not be published. The title and a general summary of the substance of the ordinance shall be sufficient. Such publication shall occur within thirty (30) days of the enactment of the ordinance. Additionally, posting of the general summary in a conspicuous area of the Municipal Building is required.

Section 1104 Action by Mayor

See Article 2, Section 205, Signing of ordinances and Section 206, Veto.

Section 1105 Recording of Ordinances and Resolutions

The full text of all ordinances and resolutions of the Municipality shall be entered in permanent, separate record books reserved for ordinances and for resolutions. No ordinance shall be effective until it is published in the newspaper as provided in this Charter and recorded in the proper book; no resolution shall be effective until it is recorded in the proper book.

The ordinance book and resolution book shall be in the custody and control of the Municipal Manager and all entries made therein shall be at his direction. These books shall be open and available for public inspection during normal business hours.

Section 1106 Ordinances Requiring Prior Public Hearing

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing and at least ten (10) days prior public notice published in a newspaper circulating generally in the Municipality:

- A. Zoning ordinances and amendments thereto;
- B. Adoption of the zoning map and amendments thereto;
- C. Subdivision regulations;

- D. Land development and land use regulations;
- E. New taxes or increases in the rate of existing taxes.

Section 1107 Effective Date

The effective date of an ordinance shall be no sooner than thirty (30) days after its adoption or ten (10) days after its publication, whichever is later, unless a later date is specified in the ordinance or required by the laws of the Commonwealth of Pennsylvania.

Section 1108 Complaints

Complaints as to the legality of any ordinance shall be made to the Court of Common Pleas of Allegheny County by an aggrieved party within thirty (30) days after the adoption thereof.

(As amended by Ballot November 1980 Paragraph 2 under A deleted and Paragraph 2 under B deleted)

ARTICLE 12

INITIATIVE AND REFERENDUM

Section 1201 General Authority

A. Initiative

The qualified electors of the Municipality shall have the power to propose ordinances to Council by an initiative petition. If Council fails to adopt the proposed ordinance without any change in substance, the ordinance shall be placed on the ballot at a regular election, as provided in Article 12, Section 1206B.

B. Referendum

The qualified electors of the Municipality shall have the power to require Council to reconsider any adopted ordinance. If Council fails to repeal an ordinance so reconsidered, the ordinance shall be placed on the ballot at a regular election, as provided in Article 12, Section 1206 B.

Section 1202 Commencement of Proceedings; Petitioners' Committee; Affidavit

Any five (5) qualified electors of the Municipality may begin initiative or referendum proceedings by filing with the Municipal Manager an affidavit stating that they will constitute the petitioners' committee, stating their names and addresses and the address to which all notices to the committee are to be sent. The affidavit shall also include the full text of the proposed ordinance or cite the ordinance sought to be reconsidered. The petitioners' committee shall be responsible for circulating the petition and filing it in

proper form within sixty (60) days after filing of the committee's affidavit.

Section 1203 Petitions

A. Number of Signatures

Initiative and referendum petitions must be signed by qualified electors of the Municipality equal in number to twenty percent (20%) of those voting within the Municipality for the office of Governor in the last gubernatorial general election.

B. Form and Content

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the date of the signature and the address of the person signing. The full text of the ordinance proposed or sought to be reconsidered must be contained within or attached to each paper of the petition throughout its circulation. In addition, the proposed ballot question required to implement the vote provided for in Article 12, Section 1206 B shall be contained within or attached to each page of the petition throughout the circulation of the petition. The ballot question shall be framed so that a no vote on the question is a vote to repeal the ordinance. (As amended by ballot November 1998 - fourth and fifth sentences added.)

C. Affidavit of the Circulator

Each paper of the petition shall have attached to it when it is filed a notarized affidavit of the circulator which states that he personally circulated the paper; the number of signatures it contains; that all signatures were affixed in his presence; that he believes them to be the genuine signatures of the persons whose names they purport to be; that each signer is a qualified elector of the Municipality and that each signer had an opportunity to read the full text attached before signing the petition.

D. Time for Filing Referendum Affidavit

Referendum affidavit must be filed within thirty (30) days after adoption by Council of the ordinance sought to be reconsidered.

Section 1204 Procedure After Filing Petitions

A. Sufficiency of Petitions

Within twenty (20) days after the petition is filed, the Municipal Manager shall certify its sufficiency, specifying in exactly which ways, if any, it is deficient and shall immediately send a copy of the certificate to the petitioners' committee by registered mail. A petition certified

insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to

amend it with the Municipal Manager within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of the certificate.

A supplementary petition shall comply with all requirements of the original petition. Within five (5) days after it is filed, the Municipal Manager shall certify the sufficiency of the amended petition and promptly send a copy of this certificate to the petitioners' committee by registered mail as in the case of the original petition.

B. Council Review

If a petition has been certified insufficient and the petitioners' committee does not file a notice of intention to amend the petition; or if an amended petition has been certified insufficient, the petitioners' committee may, within two (2) days after receiving a copy of the certificate, file a request that the certificate be reviewed by Council. Council shall review the certificate at its next meeting after the filing of the request and approve or disapprove it. A final determination as to the insufficiency of a petition shall be subject to court review upon petitioners' filing insufficient security to prosecute same and for the payment of costs.

Section 1205 Referendum Petitions; Suspension of Effective Date of Ordinance

When a referendum petition is filed with the Municipal Manager, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall end when:

A. There is a final determination of the insufficiency of the petition;
or

B. The petitioners' committee withdraws the petition; or

C. Council repeals the ordinance; or

D. After a vote of the Municipality to repeal the ordinance has failed and upon certification of the election results.

Section 1206 Action on Petitions

A. Action by Council

When an initiative or referendum petition has finally been determined sufficient, Council shall consider promptly the proposed initiative ordinance in the same manner as other ordinances or reconsider the ordinance cited in the referendum petition by voting its repeal. If Council fails to adopt the

proposed initiative ordinance without change in substance within sixty (60) days or fails to repeal the ordinance cited in the referendum petition within

thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or cited ordinance to the electors of the Municipality. In the case of a petition, the proposed ballot question contained within or attached to the petition, pursuant to Article 12, Section 1203 B, shall be the ballot question submitted to the Allegheny County Department of Elections. (As amended by ballot November 1998 - third sentence added).

B. Submission to Electors

The vote of the electors on a proposed or cited ordinance shall be held at the earliest available election but not sooner than thirty (30) days from the date of the final Council action, in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania. The proposed or cited ordinance shall be available to the public for viewing at the municipal offices at least ten (10) days before the scheduled election.

C. Withdrawal of Petition

An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote in the Municipality on the petition. No petition shall be withdrawn except by written request signed by four (4) members of the petitioners' committee. Upon filing of a withdrawal request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 1207 Results of Election

A. Initiative

If a majority of the qualified electors voting on the question vote in favor of the proposed initiative ordinance, the ordinance shall be considered adopted upon certification of the election results by the Election Bureau 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 greater number of affirmative votes shall prevail.

B. Referendum

If a majority of the qualified electors voting on the question vote no, the ordinance shall be considered repealed upon certification of the election results by the Election Bureau. (As amended by ballot November 1998 - B. Referendum rewritten). (As amended by Ballot November 1980 - Section 1208 added).

Section 1208 Referendum Amendments

A. Charter amendments created by referendum shall be amended or deleted only by subsequent referendum.

ARTICLE 13

CONTRACTS

Section 1301 Requirements

All contracts of the Municipality involving sums in excess of One Hundred (\$100.00) Dollars shall be in writing.

Section 1302 Competitive Bidding

Except as otherwise provided in this Charter, no contract or supplies, material, labor, franchise or other valuable considerations, to be furnished to the Municipality, shall be authorized on behalf of the Municipality except with the best responsible bidder after competitive bidding.

Section 1303 Bidding Procedure

The Municipality shall, by ordinance, establish a system of competitive bidding including definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers and exceptions as it shall deem advisable.

All contracts or purchases in excess of Five Thousand (\$5,000.00) Dollars, except those hereinafter mentioned, shall not be made except with and from the best responsible bidder. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service.

The dollar limit may be changed by Council. Any action by Council which changes the bidding procedure or dollar limit requires six (6) affirmative votes of Council.

Section 1304 Exceptions to Competitive Bidding

Competitive bidding shall not be required under this Charter for:

- A. Labor or services rendered by a municipal officer or employee in payment of services;
- B. Contracts relating to the acquisition, sale or use of real property;
- C. Contracts for professional or unique services;

D. Contracts for emergency repair of public works involving danger to the health and safety of the public or of municipal employees;

E. Contracts with other governmental entities, authorities, agencies or political subdivisions.

Section 1305 Real Property Appraisals

Real property cannot be acquired until two (2) appraisals by certified real estate appraisers have been received and approved by Council.

Section 1306 Maximum Term of Certain Contracts

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

Section 1307 Personal Interest

In all cases where a municipal official, either elected or appointed, who knows or who by the exercise of reasonable diligence could know of interest to any appreciable degree, either directly or indirectly, in any purchase made, or contract entered into or expenditure of money made by the Municipality, or relating to the business of the Municipality, involving the expenditure by the Municipality of more than One Thousand (\$1,000.00) Dollars in any calendar year shall so inform Council. But in the case of the Mayor or a member of Council, if he knows that he is within the limitation just defined, he shall refrain from voting on the expenditure or any ordinance relating thereto and shall in no matter participate therein. But this limitation shall not apply to cases where such official or appointee of the Municipality is an employee of the person, firm or corporation to which the money is to be paid, in a capacity with no possible influence on the transaction and in which he cannot be possibly benefited thereby, either financially or otherwise.

Any official or appointee who shall knowingly violate the provisions of this section shall be subject to surcharge to the extent of damage shown to be thereby sustained by the Municipality and to forfeiture of office.

ARTICLE 14

GENERAL PROVISIONS

Section 1401 Effective Date

This Charter shall become effective on the first Monday of January, 1978.

Section 1402 Eminent Domain

The Municipality shall have no authority to grant to others by franchise, contract or otherwise, its power and right of eminent domain.

Section 1403 Vacancies, Forfeiture of Office and Filling of Vacancies

The Office of Mayor, member of Council or Auditor shall become vacant upon death, resignation, non-residency, removal from office in any manner authorized by this Charter or by law, or forfeiture of office, or for failure to assume such office for any reason after election thereto within forty-five (45) days after the commencement of the term thereof. A member of Council, Mayor or Auditor shall forfeit office if he:

A. Lacks at any time the qualifications or eligibility for office as prescribed by this Charter;

B. Is convicted of a felony or a crime involving moral turpitude.

Within forty-five (45) days of a vacancy in any elected office, Council shall fill such vacancy by appointment until the office is filled at the earliest possible election. If Council shall refuse, fail or neglect or be unable, for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas of Allegheny County shall, upon petition of any Council member or any five (5) electors of the ward wherein the vacancy exists in the case of a vacancy on Council, or upon petition of any five (5) electors of the Municipality in the case of a vacancy in the office of Mayor or Auditors, fill the vacancy in such office by appointment until the office is filled at the earliest possible election. (As amended by Ballot May 1993 - Second paragraph rewritten).

Section 1404 Conflict of Interest

If the Mayor or any member of Council has a personal or financial interest, directly or indirectly, in any matter under consideration by Council, he shall publicly state his interest in such matter and remove himself from official action. Any official who shall knowingly violate the provisions of this section shall be subject to forfeiture of office.

Section 1405 Public Officials' Bond

Before entering upon the duties of their respective offices or positions, the Municipal Manager and the Financial Officer, as well as any other officer, agent or employee of the Municipality as Council may determine, shall execute and file with the Municipality a public official's bond in such amount as executed by a corporate surety authorized to do business in the Commonwealth of Pennsylvania conditioned for the honest and faithful performance of his respective duties. The agency placing such bond shall be determined by Council and the premium therefor shall be paid by the Municipality.

Section 1406 Administrative Code

Council shall within two (2) years after the effective date of this Charter adopt an ordinance to be known as the Administrative Code. The code shall define the responsibilities of municipal officers and department heads, offices and agencies as Council deems necessary for the proper and efficient conduct of municipal affairs, inconformity with this Charter and existing

applicable laws.

Section 1407 Continuance of Existing Ordinances

All ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded or expired by their own terms and shall be construed as if enacted under this Charter, but as of the dates of their original enactment.

Section 1408 Severability

If this Charter cannot take effect in its entirety because of the judgment of any court or competent jurisdiction holding invalid any part or parts thereof, the remaining provisions of this Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

Appendix B

Minutes of Meetings of the Commission

MUNICIPALITY OF BETHEL PARK
MINUTES
OF
HOME RULE STUDY COMMISSION MEETING

Date: October 7, 2014

Time: 8:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order

The meeting was called to order by Chairperson McLean at 8:02 p.m.

2. Introduction of Members

Present: Brandon Colella, Joe Consolmango, Michael Dobos, Lori Gibbons,
James Hannan, Christine McIntosh, Jim McLean, Connie Serdy, Carol
Stewart

Absent: Paul Dixon, Tom Klevan

Also Present: William J. Spagnol, Manager
Robert L. McTiernan, Solicitor

3. Role and tasks of the Commission

There was a brief review of the Home Rule Charter and Optional Plans Law, the history of the Bethel Park Home Rule Charter, and the four discreet amendments made since 1978. The Bethel Park Home Rule Study Commission is an ad hoc, advisory committee appointed by Municipal Council to review the Bethel Park Home Rule Charter; seek input from the community; recommend any changes, additions or modifications if appropriate; and report on any recommendations to Municipal Council. To be effective, any changes would have to be adopted by Council and voted on by the voters in an election. The Commission will consider and adopt a Mission Statement at the November meeting.

4. Selection of Officers: Vice-Chair and Recording Secretary

Motion and second to approve Jim Hannan as Vice-Chair of the Bethel Park Home Rule Study Commission. Motion carried unanimously. Motion and second to approve Christine McIntosh as

Recording Secretary of the Bethel Park Home Rule Study Commission. Motion carried unanimously.

5. Discussion of Steps to Be Taken By Commission

The Commission will review the current Bethel Park Home Rule Charter; Review the Home Rule Charters from other communities and compare them to the Bethel Park Home Rule Charter; Seek public input through public meetings; develop recommendations for any changes, additions or modifications to the Bethel Park Home Rule Charter, if any; and adopt a report for Municipal Council.

6. Outline of Schedule and Meeting Dates

A tentative meeting calendar with corresponding meeting objectives was distributed by Chairperson Jim McLean. It was agreed that the Commission will meet on the third Tuesday of the months designated at 7:00 p.m. Additional meetings will be scheduled if needed.

7. Assignment for Next Meeting

The next meeting of the Bethel Park Home Rule Study Commission will take place on Tuesday, November 18, 2014 at 7:00 p.m. in the Caucus Room of the Municipal Building. Members are to review Articles 1 – 9 of the existing Bethel Park Home Rule Charter and be prepared for discussion.

8. Adjournment

Motion and second to adjourn at 8:48 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE STUDY COMMISSION MEETING**

Date: November 18, 2014

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:02 p.m.

Present: Brandon Colella, Joe Consolmango, Michael Dobos, James Hannan, Tom Klevan, Christine McIntosh, Jim McLean, Connie Serdy, Carol Stewart

Absent: Paul Dixon, Lorrie Gibbons

Also Present: William J. Spagnol, Manager
Robert L. McTiernan, Solicitor

2. Approval of Minutes of October 7, 2014 Meeting

Motion and second to approve the minutes of the October 7, 2014 meeting; Motion carried unanimously.

3. Adoption of Mission Statement

Motion and second to approve the Mission Statement as amended. Motion carried unanimously.

4. History of Home Rule Adoption in Bethel Park

Chairperson McLean discussed the history of the Home Rule adoption in Bethel Park including the options available under the Pennsylvania Home Rule Charter and Optional Plans Laws and the work done by the two Home Rule Charter Committees elected by Bethel Park voters in the 1970s.

5. Report on Mt. Lebanon Vote on Amendments to Their Home Rule Charter

Chairperson McLean discussed the nine amendments considered by the Home Rule Charter Study Committee in Mt. Lebanon and the two amendments that appeared as referenda on the November ballot – gender neutrality and public notices. Both were approved by a large margin by the Mt. Lebanon electorate. Solicitor McTiernan stated that while the Pennsylvania NewsMedia Association has publicly challenged the legality of public notices posted on Mt. Lebanon’s web site and in the municipal building, no legal case has been filed.

6. Review and Discussion of Chapters 1 – 9 of the Bethel Park Home Rule Charter

After discussion, the commission identified the following items for further consideration:

- a. Section 201 & 303 - Whether there should be term limits for elected officials (Council/Mayor) and/or for appointed members;
- b. Section 201 & 303 - Whether to change or eliminate the “8:00 p.m.” time for when the term of Council members begins and clarify same for the term of the Mayor;
- c. Section 206 - Whether the right of the Mayor to veto ordinances passed by Council should be eliminated;
- d. Section 207 - Whether the right of the Mayor to defer casting a vote in the event of a tie to a special meeting should be revised or eliminated;
- e. Section 308 & 309 - Whether the provisions of special/emergency meetings should be revised or clarified, including to define what an emergency meeting is;
- f. Article 4 - Whether the provisions of the article on Auditors should be revised to conform to actual practice with an appointed as opposed to elected auditor;
- g. Section 502 - Whether the last sentence of this section should be removed (stating that the action of removing the Municipal Manager is not subject to judicial review);
- h. Article 6 - Whether to change who the Police Chief reports to from Council to the Municipal Manager;
- i. Section 603 - Whether the Fire Official should be identified to conform to actual practice (Code Enforcement Officer);
- j. Sections 501, 602, 701, 801 - Whether the qualifications of Manager, Police Chief, Financial Officer and Planner should be clarified/expanded upon in the Charter or in Administrative Code.

7. Public Comment

None

8. Adjournment

Meeting adjourned at 8:40 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE STUDY COMMISSION MEETING**

Date: January 20, 2015

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:01 p.m.

Present: Joe Consolmango, Michael Dobos, Lorrie Gibbons, Tom Klevan,
Christine McIntosh, Jim McLean, Connie Serdi, Carol Stewart

Absent: Brandon Colella, Paul Dixon, James Hannan

Also Present: William J. Spagnol, Manager
Robert L. McTiernan, Solicitor

2. Approval of Minutes of November 18, 2014 Meeting

Motion and second to approve the minutes of the November 18, 2014 meeting; Motion carried unanimously.

3. Guest Speaker – Steve Feller, Municipal Manager, Mt. Lebanon

Mr. Feller discussed the council/manager form of government used in Mt. Lebanon where the five directors (Finance, Fire, Police, Public Works, and Recreation) report to the Municipal Manager and attend all Board of Commission meetings. The Police Department is one among equals rather than a department with special or different access to the Commission. The hiring of all five department Directors is conducted by the Municipal Manager but must be confirmed by Commissioners. Possible drawbacks to having Police Chief report directly and only to Council include political interference and a division of administrative authority.

4. Discussion on Proposal to Amend Bethel Park Home Rule Charter to have the Police Chief Report to the Municipal Manager

Chairperson McLean discussed the current structure in Bethel Park where the Police Chief reports directly to the Council but the other Department Directors report to the Municipal Manager. The pros and cons of this arrangement were discussed as well as the process for hiring the Police Chief and other Department Directors. Solicitor McTiernan stated that it is common among Home Rule Charter communities to have the Police Chief report to the Municipal Manager.

5. Setting of Public Hearing for February 18, 2015

A public hearing was scheduled in Council Chambers on Wednesday, February 18, 2015 at 7 p.m. for input from residents regarding the proposal to amend the Bethel Park Home Rule Charter to have the Police Chief report to the Municipal Manager rather than to Municipal Council.

6. Review and Discussion of Chapters 10 – 14 of the Bethel Park Home Rule Charter

After discussion, the commission identified the following items for further consideration:

- a. Section 1107 – Consider whether it is pertinent to have a 30-day period after adoption for an ordinance to become effective.
- b. Section 1301 & 1303 – Consider adjusting the amount of contract to reflect current value of dollar.
- c. Section 1307 – Consider tightening the language to reflect PA State Ethics Law where an abstention in voting is required for any real or implied conflict of interest.
- d. Section 1403 – Consider defining “moral turpitude” with specific offenses (Felony 1, 2, 3; Misdemeanor 1, 2, 3, etc.) as well as whether the conviction is relevant if prior to taking office/position or only while currently in office/position.

7. Public Comment

Gus Oakley asked that the commission consider changing the composition of Municipal Council by redistricting into five wards, having one representative elected from each ward and having four elected at-large Council seats.

8. Assignment of Members to Review Other Home Rule Charters

Assignments will be made after the Public Hearing on February 18, 2015.

9. Adjournment

Meeting adjourned at 9:03 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE CHARTER STUDY COMMISSION MEETING**

Date: February 18, 2015

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:01 p.m.

Present: Brandon Colella, Joe Consolmango, Michael Dobos, James Hannan,
Lorrie Gibbons, Tom Klevan, Christine McIntosh, Jim McLean, Connie
Serdy

Absent: Paul Dixon, Carol Stewart

Also Present: William J. Spagnol, Manager
Robert L. McTiernan, Solicitor

2. Approval of Minutes of January 20, 2015 Meeting

Motion and second to approve the minutes of the January 20, 2015 meeting; Motion carried unanimously.

3. Public Hearing on Proposal to Amend Bethel Park Home Rule Charter to Have Police Chief Report to Municipal Manger

A public hearing was conducted on the proposal to amend the Bethel Park Home Rule Charter to have the Police Chief report to the Municipal Manager. (See separate transcript of the public hearing).

4. Discussion on Proposal to Amend Bethel Park Home Rule Charter to Have Police Chief Report to Municipal Manger

There was group consensus to move the request for consideration of this proposal to Council.

5. Assignment of Members to Review Particular Other Home Rule Charters for March Meeting

Committee members volunteered to review a Home Rule Charter and were assigned by Chairperson McLean to present either at the March or April meeting. Committee members received the following assignments:

March Meeting

Tom Klevan: Review of Home Rule Charter of City of Chester
Christine McIntosh: Review of Home Rule Charter of Greentree
Michael Dobos: Review of Home Rule Charter of Whitehall

April Meeting

James Hannan: Review of Home Rule Charter of Greensburg
Connie Serdy: Review of Home Rule Charter of Upper St. Clair
Brian Colella: Review of Home Rule Charter of Monroeville

6. Public Comment

None.

7. Adjournment

Meeting adjourned at 7:32 p.m.

**MUNICIPALITY OF BETHEL PARK
PUBLIC HEARING**

Home Rule Study Commission

Date of Hearing: February 18, 2015

Time of Hearing: 7:00 P.M.

Place of Hearing: Municipal Building

Mr. McLean said:

"Good evening. I would like call to order the meeting of the Bethel Park Home Rule Study Commission for February 18, 2015. My name is Jim McLean. I am the Chair of the Home Rule Study Commission. We are here tonight primarily to conduct a Public Hearing with respect to one particular potential change in the Home Rule Charter that has been under consideration by the Commission, that being whether to change the Home Rule Charter to provide that the Chief of Police, which now reports to Council, should be changed to instead report to the Municipal Manager. Our meeting this evening was advertised and in a moment we will take any comments from anyone who is present and have a discussion with respect to that particular proposal. To begin though, I would like, Mr. Spagnol, if you can take a roll call of the members."

1. Roll Call:

Present: Home Rule Study Commission Members James McLean, James Hannan, Lorrie Gibbons, Brandon Colella, Carol Stewart, Connie Serdi, Joe Consolmango, Tom Klevan, Michael Dobos, Christine McIntosh

Absent: Mr. Dixon, Ms. Stewart

Also Present: William Spagnol, Municipal Manager, Robert L. McTiernan, Solicitor

2. Approval of Minutes:

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the minutes of the January 20, 2015 Committee meeting. Motion passed unanimously.

Mr. McLean said:

"The next item on our agenda is to consider any comments from the public with respect to the proposal to change the Home Rule Charter with respect to how the Chief of Police reports. To provide the public, including those who may be watching on TV, with a little bit of background, this Commission was appointed by Council at the end of last summer with the purpose of taking

a look at and reviewing the Bethel Park Home Rule Charter that was adopted about 35 years ago and hadn't undergone a complete and thorough review since that time. So we have been meeting since October to do that, to go over that review of the Charter and have been at this point just identifying possible changes for discussions and consideration. But one item that came out during those discussions was this possibility of changing how the Chief of Police reports. And the thought that developed was that since right now the Municipality is in between Chiefs with the former Chief having resigned in September and we've been in the process of selecting a new Chief, we thought this would be the right time to undertake the consideration of whether we want to change how the Chief reports. It being something that we thought you should consider based on the merits of whether the reporting should be to Council directly or to the Manager, not based on an assessment of who the particular Chief was at the time. So with that in mind, what was considered was conducting now a Public Hearing on that proposal while we continue as a Commission hereafter to continue to consider other possible changes to the Charter which we will continue to do. So what we have done for purposes of this consideration and for the hearing tonight is we provided notice that we are considering this change for inviting comments. We have done a draft of what the proposed Ordinance would look like and it is fairly straight forward but just so that folks in the public know what it is we are actually thinking about doing. Right now, Article 6 of the Bethel Park Home Rule Charter states that the Police Department shall be administered by a Chief of Police. He shall be appointed by Council and shall be directly responsible to Council. The Police Department shall have all powers and duties granted to it by Council under the applicable Ordinances and the applicable provisions of law. The Chief of Police shall not be governed by the provisions of Civil Service. What is proposed to be changed is only the second sentence of that particular provision and the change would be to say that the Chief of Police shall be appointed by Council, but that wouldn't change, and shall be directly responsible to the Municipal Manager. The only thing that would be changing is who the Chief of Police reports to directly. We also asked so that people can have an idea what this change would mean and also not mean, we ask that the solicitor, Mr. McTiernan, to go through the provisions of the Charter as they relate to the Chief of Police and just give us an overview of where things would differ if this change were adopted, then also where they would not differ, where they would remain the same. Mr. McTiernan, if you could maybe give us the overview that you've done of the Charter and the impact of the proposal."

Mr. McTiernan said:

"The most important thing to point out is the impact that the change will be minimal with respect to the day-to-day operations of the Police Department. The Chief of Police has a special expertise and in fact a certification and license from the Commonwealth that would affect law enforcement as does every certified Police Officer at Bethel Park. So, issues, for example of training, of assignment, of weapon selection, of things like that that the officers would carry, of equipment, of vans, of response time, the integration of the Police Department with emergency response to other police departments. That would all remain within the purview of the Chief. Those would be law enforcement decisions. The main impact frankly would be on the Manager. What exists under the current situation is a little bit of an anomalous situation. The Manager has overall responsibility for all departments. It is actually, in effect, somewhat sealed off from the Police Department. So for example, the Manager is responsible for the budget with respect to all departments. With this reporting change, the Chief would have to keep the Manager informed

with respect to budget issues. Now, Council adopts the budget, but the issue of how the expenditures are going, major expenditures being that the Police Department to make sure it conforms to the budget, issues of monitoring how the progress of spending is going. That would be one area where the Manager would have more overall knowledge of what's going on with the Police Department. The other area would be most significantly, I think, is human resources. Right now, the Manager has a lot of experience and a lot of responsibility for human resources. He has to administer the Collective Bargaining Agreements, for example. What happens now is that of course if there is ever an issue affecting an individual officer, the first person that would make that assessment would be the Chief of Police. But the Manager would be, because of reporting requirement, able to oversee procedures to make sure things are along the collective bargaining agreement. And one of, sort of, unusual situations in Bethel now because of the Home Rule Charter, for example there is a Collective Bargaining Agreement where some of the employees are in different departments and report to the Manager who oversees the administration of the Collective Bargaining Agreement, not for operations, but for things like vacation and calculation of overtime, assignment of holidays, but that is completely without and beyond the Manager in respect for interpreting the contract, for example the police dispatchers. They are not police officers, but they are under the Police Chief. So you can have situations that are contradictory interpretations of the Collective Bargaining Agreement. Also, things like records, all Police records, will always remain in the Police Department, they are police investigative documents, they are highly confidential and the only people who have access to them are the Police Chief and certified Police officers. In issues such as personnel files, it would definitely be centralized, anything related to separate medical files and all of workers' compensation, those would be centralized. So, basically Council would go to the Manager or President of Council, they would be able to get information of how's the budget going throughout the community, what's the situation with a new policy, for example, the Chief might have a new policy, how does that fit in. The interpretation of Family and Medical Leave Act maybe, it should be interpreted the same way for all employees. So, I don't mean to run on but the budget area and personnel area and then the communication where instead of the Chief meeting with Council once a month, there would be that ongoing communication between the Manager and the Chief about budget issues and personnel issues and policy issues and things that come up. But with respect to the Chief, I think other than keeping the Manager informed, those decisions, again, the law enforcement decisions, would stay with the Chief. To touch on a couple of other areas, some Home Rule Charters are very different from Bethel's, some Home Rule Charters are different from state law, but Council has, and the Mayor, very limited roles with respect to Police. But those would be unchanged. The Mayor in the Home Rule Charter has a very important function, he's the figurehead to the community, but unlike a borough, he has no responsibility to the Police Department which is something to make all of you aware. Council's certain narrowed importance of responsibilities will be unchanged. For example, the whole process of the selection of the new Chief ultimately rests with Council. They have to be comfortable with the decision. The removal of the Chief, under the Home Rule Charter, would be with Council. And then Council makes certain personnel decisions that are very, kind of narrowly, governed. For example, the Council appoints new officers but only from the top three scores as certified by the Civil Service Commission. That would be unchanged. Similarly, the promotions must be from the top three scores and the examination, application, testing and ranking of those candidates, is all done by the Civil Service Commission, which is independently appointed by Council, but the members of the Commission serve a fixed, staggered term of

office to assure their independence very much like other communities under State law, and they would still have that basic authority of applications and screening and ranking and testing and Council's important function will be circumscribed by the Civil Service rules. So those would be the main points. And again, Civil Service Commission procedures would be essentially unchanged. If there was an issue of discipline, the issue might also be made internally but there's the right to appeal through the collective bargaining process, arbitration or the Civil Service Commission. So essentially the powers of each element of municipal government are pretty much the same but I think what you're going to have is more, and again I'm not an advocate here but think the idea of discussing would be with greater consistency, greater unity and knowledge and single source of information about policies and naturally in the law enforcement issues, Council would very well go directly to the Chief and the Manager, I am sure in some cases would recommend that a law enforcement issue, an assignment issue, crime prevention issue. So again, I appreciate your patience and I hope I didn't go on too long, but that's essentially what I see from a legal standpoint."

Mr. McLean said:

"Two questions I wanted to ask. One, the Charter currently says that the Police Department shall have all powers and duties granted to it by Council under the applicable ordinances and applicable provisions of law. There would not be any change in that particular provision, so that would remain the same?"

Mr. McTiernan said:

"Correct. Different ranks within the police Department, all those kind of essential issues would still remain with Council and the philosophy of that is that they are elected officials who are directly responsible to voters. So the basic structural issues would rest with Council."

Mr. McLean said:

"Well then the other question I have, maybe it's more of a statement than a question. All the other department heads under the Home Rule Charter report now to the Municipal Manager. Is that right?"

Mr. McTiernan said:

"That's correct. And they each have their area of expertise. Naturally, the Manager is not making engineering decisions, but the engineer reports to the Manager. The Planner, the Public Works, the issues of a lot of things that are done internal, of planning snow routes, all those departments, Public Works, Planning, Engineering, Finance, all report to the Municipal Manager, although they have their own responsibilities within their area of expertise."

3. Public Comments

Mr. McLean asked if anyone was in favor or opposed.

Pauletta Beehler, 134 Meadowbrook Drive, Bethel Park, said:

"I overall am very, very concerned with transparency, accountability and unity and I was privileged to be at one work group that you had where one manager, I think it was the manager from Mt. Lebanon was present and he spoke about their system there. I think this particular provision would provide unity so that each department will be accountable in the same way. If I understand it correctly, the way the Police Department has functioned, the Police Chief has sort of either fish nor fowl, not Council and not actually treated like other department heads having to report to the Manager, and that's just sort of one's out there in left field and one is over here. I think that's a good thing, I really do. I think it not only provides for accountability, but it also provides for transparency and I always hate to use this term, but I'm going to use it anyway, is a big brother type situation that somebody is minding the store. Right now, there are what, nine on Council? Your nine, those nine people are the boss of the Chief. The Chief could talk to one Council person and kind of get a go ahead on something, but it's not really a Council decision. I think it leaves space for ambiguity and things that fall through the cracks and having been there and having heard that particular discussion, I would say to anybody listening at home and hasn't been to a meeting. I was critical at one of the Council meetings about the study group, and I was invited, well anybody can actually come to your work sessions, but I did come to one and I was interested, a lot of what you're doing is pretty mundane, I would not want to have to sit there and figure out all the commas, and changing the date for reporting this and reporting that, most people would fall asleep for that portion. But I think this would be a good thing for Bethel. I really do. Thank you."

Mr. McLean said:

"Pauletta, I'll note you weren't really critical, you just had some legitimate questions. And for benefit of people watching, what Pauletta is also referring to, our last meeting we had the Municipal Manager from Mt. Lebanon come in because Mt. Lebanon is a community where their Chief has been reporting for decades to the Municipal Manager and we just wanted to get a sense from him in the position of Municipal Manager in the community where the reporting is done, how it works and what it's like. It was not intended to be well just because we could find a community that does it, we'll do it, too. But it was helpful to us to get the sense of how it works."

Mr. McLean asked if there was anyone else in favor or opposed. There was not.

Mr. McLean said:

"I will add that I did get one email from Richard Kraft who had indicated that he might try to be here at the meeting tonight but that if he couldn't he wanted to provide his comments. The one comment he made was that he wouldn't want the change if we made it to the Charter to be done in a way that would cause or allow a Municipal Manager to get too powerful as he said and begin to micromanage the Police Department. I think, as Mr. McTiernan indicated before, we aren't changing nor would this change alter the

fundamental way in which the department is run and organized nor change any of the fundamental oaths and certifications that the Chief has to abide by in terms of exercising the duties, but it would be similar to the same way the Manager is overseeing and receives the reporting from the other departments. And as we covered in our discussion, we are not changing the other ways in which the department is still governed in some ways by, as Mr. McTiernan said, the narrow but important role would remain the same.”

Mr. McLean asked if there were any other comments or questions from the Commission or from Mr. McTiernan. There were none.

Mr. McLean said:

“I should maybe mention to folks that if they were concerned that this change would maybe put a little bit of distance between Council and the Chief, all of the department heads currently attend both of our Caucus and Public Meetings and are available to members of Council when we need to answer any question that any of us would have, so in that sense the Chief of Police’s attendance at our meetings would not change, it would be exactly the same. What we’re really doing is adding in that reporting function to the Municipal Manager.”

4. Motion by Mr. Hannan and seconded by Mrs. Gibbons to adjourn the Public Hearing at 7:22 p.m.
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MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE CHARTER STUDY COMMISSION MEETING**

Date: March 17, 2015

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:00 p.m.

Present: Brandon Colella, Joe Consolmango, Michael Dobos, James Hannan,
Lorrie Gibbons, Christine McIntosh, Jim McLean, Connie Serdy, Carol
Stewart

Absent: Paul Dixon, Tom Klevan

Also Present: Robert L. McTiernan, Solicitor

2. Approval of Minutes of February 18, 2015 Meeting and Public Hearing

Motion and second to approve the minutes of the February 18, 2015 meeting and public hearing;
Motion carried unanimously.

3. Reports from Commission Members of Home Rule Charters of Other Communities

- a. Christine McIntosh – Borough of Green Tree
Police Chief reports to mayor; Borough Manager not required to be a borough resident;
draft budget due by November 15th; no provisions for initiative and referendum.
- b. Mike Dobos – Township of Whitehall, Lehigh County, PA
Board of Commissioners; can be terminated for absenteeism; Township Executive
elected for 4 years and has the same general powers as a Mayor; treasurer elected for 4-
year term; Chief of Police answers to Township Executive; budget due October 15th.

There was discussion about preparing a chart comparing the Home Rule Charters of
various communities on particular topics. The chart will be prepared and provided to the

members in advance of the next meeting and then supplemented as the review of charters continues.

4. Assignment of Members to Review Particular Other Home Rule Charters for April Meeting

- a. James Hannan: Greensburg
- b. Connie Serdy: Upper St. Clair
- c. Brandon Colella: Monroeville

5. Public Comment

None

6. Adjournment

Meeting adjourned at 7:40 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE CHARTER STUDY COMMISSION MEETING**

Date: April 21, 2015

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:00 p.m.

Present: Michael Dobos, James Hannan, Lorrie Gibbons, Tom Klevan, Christine McIntosh, Jim McLean, Connie Serdy, Carol Stewart

Absent: Brandon Colella, Joe Consolmagno, Paul Dixon,

Also Present: Robert L. McTiernan, Solicitor

2. Approval of Minutes of March 17, 2015 Meeting and Public Hearing

Motion and second to approve the minutes of the March 17, 2015 meeting as amended; Motion carried unanimously.

3. Reports from Commission Members of Home Rule Charters of Other Communities

- a. Tom Klevan – Township of Chester, Delaware County, PA
Council of six elected at-large; power consolidated in council; budget due by December 1 to be approved by December 20 annually; limitations on referendum and initiatives outlined.
- b. Jim Hannan – City of Greensburg, Westmoreland County, PA
Elected official are the Mayor, four at-large Council members, and the City Treasurer; Mayor and Council members have equal votes; Mayor is Council President; Five municipal departments with Mayor being the Director of Dept. of Public Affairs and Safety and four other Council members heading other departments; budget due November 1; limitations on referendum and initiatives outlined.

- c. Connie Serdy – Township of Upper St. Clair, Allegheny County, PA
Commission/Manager form of government; Seven member commission, 2 at-large, 5 by Ward; Township Manager is Chief Administrative Officer; budget submitted by November 1 and adopted by December 31; limitations on referendum and initiatives outlined.

4. Review of Chart of Comparison of Provisions of Home Rule Charters

The commission discussed the various provisions reviewed from the charters of other communities including the deadlines for reporting and adopting budgets and provisions on referendum and initiative and the consensus was to consider possible alternative provisions at the Commission's upcoming meetings. Council has adopted an ordinance for the November ballot regarding the Police Chief reporting to the Municipal Manager rather than the Council.

5. Public Comment

None

6. Adjournment

Meeting adjourned at 8:08 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE CHARTER STUDY COMMISSION MEETING**

Date: May 26, 2015

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:00 p.m.

Present: Brandon Colella, Michael Dobos, James Hannan, Tom Klevan, Christine McIntosh, Jim McLean, Connie Serdy

Absent: Joe Consolmagno, Paul Dixon, Lorrie Gibbons, Carol Stewart

Also Present: Robert L. McTiernan, Solicitor; Bill Spagnol, Municipal Manager

2. Approval of Minutes of April 21, 2015 Meeting

Motion and second to approve the minutes of the April 21, 2015 meeting as presented; Motion carried unanimously.

3. Public Hearing

See attached transcript.

4. Reports from Commission Members of Home Rule Charters of Other Communities

- a. Brandon Colella – Municipality of Monroeville
Seven member Council; Deputy Mayor is a member of Council and is the President of Council; budget due 45 days prior to start of fiscal year; elected Treasurer.

5. Review of Chart of Comparison of Provisions of Home Rule Charters

J. McLean will update the chart and email to Commission members before the August 18th meeting.

6. Discussion of possible Home Rule Charter Change Suggested by Councilman Harrison

There was discussion of the pros and cons of whether to change the language of Article 14; Section 1403 – Vacancies, Forfeiture of Office and Filling of Vacancies - to provide for a ballot vote at the earliest election rather than the next General Election. Members also discussed the procedures in various charters for initiative and referendum. No consensus was reached and the items will continue to be discussed in upcoming meetings.

7. Public Comment

Pauletta Beeler asked for job titles clarification and consistency; clarification of “next voting opportunity” and made a point that consistency in language used in the Home Rule Charter is important.

8. Adjournment

Meeting adjourned at 7:38 p.m.

MUNICIPALITY OF BETHEL PARK
PUBLIC HEARING

Home Rule Study Commission

Date of Hearing: May 26, 2015
Time of Hearing: 7:00 P.M.
Place of Hearing: Municipal Building

Mr. McLean said:

“Good evening, I would like call to order the Public Hearing for the Bethel Park Home Rule Study Commission scheduled for today, Tuesday, May 26, 2015. Mr. Spagnol, if you can take a roll call of the members.”

1. Roll Call:

Present: Home Rule Study Commission Members Brandon Colella, Michael Dobos, James Hannan, Tom Klevan, Christine McIntosh, James McLean and Connie Serdi

Absent: Mr. Consolmagno, Mr. Dixon, Mrs. Gibbons and Ms. Stewart

Also Present: William Spagnol, Municipal Manager; Solicitor Robert L. McTiernan

2. Mr. McLean said:

“This was the date that was advertised for us to hold the Public Hearing to consider any input from members of the public with respect to any possible changes to the Home Rule Charter that we’ve been studying. I just wanted to note that we previously held a Public Hearing in February. The purpose of that hearing was specifically to consider hearing public input with respect to a proposed change for the Police Chief reporting and changing that from the Police Chief reporting to Council as the Charter now reads, to reporting to the Manager and just to update formally at this Public Hearing, since our Public Hearing in February, this commission by consensus, favorably recommended that change to Council. Council considered it. Council then adopted an ordinance to put the proposal for the change to the Charter before the public and the electorate and that will be placed on the ballot in November. It has been referred to the County Election Department for them to approve the ballot question, but it will be on the ballot in November. Since then, we the members of the Commission, have continued to review our own charter, but have also been looking at the charters of other communities. Just to get an idea of what other communities do with respect to

some of the same items that are covered by our charter, get better ideas and see if there's anything in there that we want to further consider. We'll more or less finish that analysis later this evening when we consider one more charter and then just to let folks know where we go from here. We're actually going to take June and July off because it is the summer months and it's harder to get people scheduled for the meetings, but we will then meet again in August and in October and thereafter, if necessary. But at that point we will start to seriously look at any potential changes that we want to propose again taking the format of proposing to Council. Council has to consider them and then favorably act and Council only then would it become something that appears on the ballot for a vote and a change. The public is, in fact, welcome at all of our meetings, not just the specially scheduled public hearings so they could continue to come to the meetings. Some members of the public have been coming to our other meetings and we encourage that. We encourage the public to continue to come to our meetings so that we can have the benefit of their input. At this point I will ask if there is anyone present in the audience at this evening's meeting that would like to address us with any specific topic?"

3. Public Comments

None

Mr. McLean said:

"Hearing none, I will note for the record that there wasn't anyone that wanted to specifically address anything. Are there any comments or questions from any members of the commission?"

Mr. McLean said:

"Hearing none."

4. Motion by Mr. Hannan and seconded by Mr. Colella to adjourn the Public Hearing at 7:06 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE CHARTER STUDY COMMISSION MEETING**

Date: August 18, 2015

Time: 7:00 p.m.

Location: Caucus Room -- Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:05 p.m.

Present: Joe Consolmagno, Lorrie Gibbons, Christine McIntosh, Jim McLean,
Carol Stewart

Absent: Brandon Colella, Paul Dixon, Mike Dobos, Jim Hannan, Tom Klevan,
Connie Serdi

Also Present: Robert L. McTiernan, Solicitor; Bill Spagnol, Municipal Manager

2. Approval of Minutes of Public Hearing and Meeting of May 26, 2015

Motion and second to approve the minutes of the May 26, 2016 public hearing and meeting as presented; Motion carried unanimously.

3. Review of Chart of Comparison of Provisions of Home Rule Charters of Other Pennsylvania Communities

Chairman McLean described the components of the chart and reviewed the content by community.

4. Identification and Discussion of Possible Home Rule Charter Changes and Format for Reviewing and Discussing the Pros and Cons of Possible Changes

Agreement was reached on the format of the report to Council which will include each topic for consideration, the discussion on that topic, the pros/cons pertaining to that topic and a recommendation of proposed language. The report will also note topics that were discussed and dismissed by the commission.

5. Future Meeting Dates

The next meeting will take place on October 20, 2015 at 7:00 p.m. in the Caucus Room. If additional meetings are needed to complete the final report, they will be scheduled at the October meeting.

6. Public Comment

There was no public comment.

7. Adjournment

Meeting adjourned at 7:45 p.m.

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
HOME RULE CHARTER STUDY COMMISSION MEETING**

Date: October 20, 2015

Time: 7:00 p.m.

Location: Caucus Room – Municipal Building

1. Call to Order; Roll Call

The meeting was called to order by Chairperson McLean at 7:03 p.m.

Present: Joe Consolmagno, Michael Dobos, Jim Hannan, Christine McIntosh,
Jim McLean, Connie Serdi

Absent: Brandon Colella, Paul Dixon, Lorrie Gibbons, Tom Klevan,
Carol Stewart

Also Present: Robert L. McTiernan, Solicitor; Bill Spagnol, Municipal Manager

2. Approval of Minutes of Public Hearing and Meeting of August 18, 2015

Motion and second to approve the minutes of the August 18, 2016 public hearing and meeting as presented; Motion carried unanimously.

3. Discussion of Possible Home Rule Charter Changes

- i) Gender References – change all male references to he/she OR add a note or general provision at end or beginning of charter.
- ii) Section 206 - Powers of Mayor – consider proposal to remove veto power of Mayor
- iii) Section 303 - Organizational meeting – change start time from 8 p.m. to 7 p.m.
- iv) Section 802 - Consider timing of review Comprehensive Plan – charter says review every five years; PA Municipal Planning Code say review every ten years.
- v) Section 1002 - Budget submission deadline – Current deadline is September 1; consider October 1 with adoption by November 30.
- vi) Section 1107 - Thirty-day ordinance effectiveness – members noted similar provision is not in other charters and discussed the effect of this requirement

vii) Section 1205 - Initiative and Referendum – consider new section that would limit the effect of suspension of ordinances that interfere with fundamental operations of municipal government or public safety.

viii) Section 1403 – Consider changing “earliest possible election” to “next general election.”

4. Preparation of Report of Commission

Chairman McLean will draft a report and distribute to the Commission via email; to be discussed at meeting in December.

5. Future Meeting Dates

The next meeting will take place on December 15th at 7:00 p.m. in the Caucus Room. A public meeting will be scheduled at the December meeting.

6. Public Comment

There was no public comment.

7. Adjournment

Meeting adjourned at 8:03 p.m.

Appendix C

Questions and Answers about
Home Rule Study Commission
published on Bethel Park website



Bethel Park Home Rule Study Commission Questions & Answers

Bethel Park Municipal Council has appointed an ad hoc advisory committee of 11 people to review the Bethel Park Home Rule Charter and, with input from the public, consider whether any changes or amendments to the Charter should be recommended for the residents to ultimately vote on. Following are answers to some likely questions related to this process:

What is meant by "Home Rule"?

"Home Rule" refers to the power and authority of the people of a local political subdivision to choose their own form of government and decide for themselves how the local government will be structured and administered. Since 1968, the Pennsylvania Constitution has allowed municipalities to adopt home rule charters, and, in 1972, the state legislature passed a law for implementation of the home rule option. All Home Rule Charters remain subject to the laws of the United States and Pennsylvania Constitutions and other laws generally applicable in the Commonwealth of Pennsylvania. The Home Rule charter sets forth the structure of the local government and the overall procedures for its administration.

How long has Bethel Park been a Home Rule municipality?

Bethel Park has been a Home Rule community since the current Home Rule Charter became effective in 1978. In accordance with state law, a Home Rule Study Commission was selected by the voters and, in 1975, the Commission recommended a proposed Charter that was then submitted to, voted on and approved by the electorate.

What is covered and not covered by the Bethel Park Home Rule Charter?

The Bethel Park Home Rule Charter establishes the form of government for Bethel Park and specifies that Bethel Park will be governed by a Municipal Council (one member for each of the Municipality's nine wards) and a Municipal Manager. Under the Charter, all department heads report to the Manager, except the Police Chief who reports to Council. The Charter establishes the position of Mayor who serves as the representative of the Municipality and votes only in the event of a tie vote on Council. The Charter includes provisions regarding the collection of taxes and adoption of annual budgets as well as provisions for referendums and amendments. The Charter does not include all of the details of the procedures for administration of the Municipality, many of which are contained in a separate Administrative Code. Nor does it contain the rules and regulations for matters such as building approvals, permits, or code enforcement which are not part of the Charter and are set forth in ordinances.

Why did Municipal Council appoint a committee to review the Charter?

Although the Bethel Park Home Rule Charter has been amended a few times since its original adoption in 1978 (including most recently in 2013 to adopt the dedicated Fire Department tax), there has not been a comprehensive review of the Charter in the 36 years that it has been in effect. Municipal Council felt that after nearly four decades of operation under the Charter, it was appropriate to review the provisions of the Charter and consider whether any changes to the Charter should be proposed to the voters. Other Home Rule communities have undertaken similar reviews, some more than once since their original Charters were adopted.

Who are the members of the Home Rule Study Commission?

Municipal Council has appointed 11 members to the Study Commission: **Jim Mclean (Chair), James Hannan, Lori Gibbons, Paul Dixon, Brandon Colella, Joe Consolmango, Carol Stewart, Connie Serdy, Tom Klevan, Michael Dobos and Christine McIntosh.** The Members include current and past members of Council, residents and representatives of other governmental and civic organizations including the Planning and Zoning Commission, Zoning Hearing Board, the Public Library, and the Bethel Park Community Foundation.

What is the role of the Study Commission and how will it proceed?

The role of the Study Commission is to review the current Home Rule Charter and consider whether to recommend any changes or amendments to the Charter. The Commission is not being charged to consider any specific changes or amendments and the Commission could choose, after its review, to not recommend any changes. The Commission plans to review the current Charter, consider the Charters of some other communities in our area for ideas and comparison, take input from citizens and then decide whether to recommend any changes. The Commission's final conclusions will be set forth in a report and recommendation to Council. There is no deadline for the Commission to complete its review. Presently, the Commission contemplates that the process will take about a year and, if that is the case, the Commission's report would be presented to Council by the end of 2015 and any changes or amendments would be submitted to the voters sometime in 2016.

Is there an opportunity for residents to participate in the process?

Yes. All meetings of the Study Commission will be advertised and are open to the public. The dates and times of the meetings will also be published on the Bethel Park website. The Commission will also schedule one or more public hearings to invite comments, questions and suggestions from members of the public. A copy of the Home Rule Charter is available in the Library and on the Bethel Park website (www.bethelpark.net).

How would any changes to the Charter become effective?

By state law and the provisions of the Bethel Park Home Rule Charter, any changes or amendments to the Charter must be approved by a majority of the voters at an election. The Commission will provide a report and recommendation to Council. Council will then consider the report and decide whether to adopt an ordinance setting forth the changes or amendments for presentation to the voters. Any changes or amendments adopted by Council through an Ordinance would then be submitted to the voters at an election, which could be either a primary or general election. No change or amendment would become effective unless it is approved by the voters.

Home Rule Study Commission Meetings

The Bethel Park Home Rule Study Commission will meet to discuss the Home Rule Charter and other related issues. The following meeting dates are scheduled at the Bethel Park Municipal Building Caucus Room and Public Hearing in Council Chambers, 5100 West Library Ave., Bethel Park:

Tuesday, Nov. 18	7 p.m.	Review existing Home Rule Charter, Articles 1 – 9
Tuesday, Jan. 20	7 p.m.	Review existing Home Rule Charter, Articles 10 – 14
Tuesday, March 17	7 p.m.	Review and discussion of examples of Home Rule Charters of other communities
Tuesday, April 21	7 p.m.	Review and discussion of examples of Home Rule Charters of other communities
Tuesday, May 26	7 p.m.	Public Hearing in Municipal Council Chambers
Tuesday, Aug. 18	7 p.m.	Consider any proposals for changes, additions or modifications to Charter
Tuesday, Oct. 20	7 p.m.	Adopt report and recommendation to Council

Appendix D

Ordinance of Municipal Council
for Ballot Question on reporting
by Police Chief

June 24, 2015

VIA FIRST CLASS MAIL AND E-MAIL (wspagnol@bethelpark.net)

William J. Spagnol
Municipal Manager
Municipality of Bethel Park
5100 West Library Avenue
Bethel Park, PA 15102

Re: Amendment to Home Rule Charter to Direct the Police Chief to Report to the Municipal Manager

Dear Mr. Spagnol:

Enclosed please find a letter from Mark Wolosik, Manager of the Allegheny County Elections Division, approving the following ballot question for inclusion on the November 3, 2015 ballot:

Shall Article VI, Public Safety, of the Bethel Park Home Rule Charter be amended to provide that the Chief of Police of the Municipality of Bethel Park Police Department shall be directly responsible to the Municipal Manager of the Municipality of Bethel Park, rather than to the Council of the Municipality of Bethel Park?

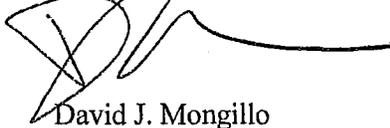
The Elections Division added a reference to the specific article of the Bethel Park Home Rule Charter which will be amended (Article VI, Public Safety), but the question is otherwise identical to the question previously submitted for approval.

There are some specific notice deadlines which the Municipality must now keep in mind. First, the Secretary of the Municipality must give the public at least 30 days notice of the election. This notice must be advertised anytime prior to Sunday, October 4, 2015. Notice must also be published in a newspaper of general circulation in the Municipality once a week for three consecutive weeks during the 30 days prior to the election on November 3rd. 53 Pa. C.S.A. §2952. The statute also requires posting the polling place, but the enclosed letter indicates the Allegheny County Division of Elections will arrange for posting.

TUCKER ARENSBERG
Attorneys

Please contact me with any questions, or if you need assistance drafting the notices required by statute.

Very truly yours,



David J. Mongillo

cc: Judy Miller, Assistant Municipal Manager (via e-mail)
Robert L. McTiernan, Esq. (via e-mail)

LIT:588998-1 012348-159241

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

June 23, 2015

David J. Mongillo, Esq.
Tucker Arensberg, P.C.
1500 One PPG Place
Pittsburgh, PA 15222

Re: November 3, 2015 Municipal Election - Municipality of Bethel Park

Dear Mr. Mongillo:

In response to Ordinance No. 4-13-15, filed with the Allegheny County Elections Division, please be advised that the Allegheny County Law Department has approved the following question for placement upon the November 3, 2015 Municipal Election ballot:

**MUNICIPALITY OF BETHEL PARK
HOME RULE CHARTER AMENDMENT
SPECIAL ELECTION QUESTION**

Shall Article VI, Public Safety, of the Bethel Park Home Rule Charter be amended to provide that the Chief of Police of the Municipality of Bethel Park Police Department shall be directly responsible to the Municipal Manager of the Municipality of Bethel Park, rather than to the Council of the Municipality of Bethel Park?

As you may know, the Pennsylvania Election Code (25 C.S.A., 2621.1) requires this Division to prepare a "plain English" explanation for any question appearing on the ballot. To this end, the ballot explanation for the referendum in your municipality is as follows:

If this question is approved by a majority of those voting, the Bethel Park Home Rule Charter will be amended to provide that the Chief of Police shall report directly to the Municipal Manager of the Municipality of Bethel Park, rather than to Bethel Park Council.

(Continued)

Page 2.

Specimen copies of the voting machine and absentee ballots will be forwarded when they become available.

Please be advised that all costs incurred by this Division for the printing of notices by newspaper publication under the applicable provisions of the Pennsylvania Election Code shall be the responsibility of your municipality. An itemized invoice will be transmitted along with the certified election results.

This Division will arrange for the posting of Special Election notices at the polling places on the day of the Election. However, as many of the referenda authorizing statutes require additional notice, often by the municipal officers, it is recommended that you consult the authorizing statute.

Please contact me at (412) 350-4509 if you have any questions concerning these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Wolosik', written in a cursive style.

Mark Wolosik, Division Manager
Department of Administrative Services
Elections Division

cc: Allan J. Opsitnick, Assistant County Solicitor

Memo

To: James G. McLean, Esq., Chair, Municipality of Bethel Park Home Rule Study Commission

From: Robert L. McTiernan

Date: February 17, 2015

Re: Impact of Police Chief Reporting to Municipal Manager

The following represents basic terms of the impact of changing the reporting responsibility of the Police Chief directly to the Municipal Manager rather than to Municipal Council as a body. If adopted, the change to the Charter will require the Chief to report on a regular basis about his work and the operation of the Police Department to the Manager. As outlined below, the change will have minor impact on the Chief's overall responsibility for internal police matters or on Council's important, but narrow, responsibility for hiring and promotion of officers, adoption of the Police Department budget, reductions in force and appointment and removal of the Chief.

- I. Manager. The main impact of the change would be on the duties of the Municipal Manager. At this time, he oversees all fiscal and administrative and human resources matters for the Municipality except the Police Department. This change in the reporting relationship would enable the Manager to oversee the entire municipal budget. He could monitor expenditures within the Police Department in consultation with the Chief to ensure compliance with budget limits. Moreover, he would bring day-to-day human resources expertise to the management of the Police Department. As with all department heads, the assessment of officers and the need for disciplinary action would rest with the Chief. However, interpretation of the labor contract between the Municipality and the Police would bring the Manager's personnel

expertise into the process. The Manager could assist with contract interpretation items that are not disciplinary or operational but deal with issues that have a direct economic impact, for example: paid-time off, monitoring sick leave, administration of the Family Medical Leave Act leave and other federal and state laws, calculation of salary and overtime, awarding of vacation, use of personal days, etc. This is regularly the responsibility of the Manager with respect to other departments, such as public works, community services and community center, emergency response, sewage plant operations, etc.

In addition unified reporting would potentially eliminate some anomalies. For example, the Manager is responsible for negotiating and administering the Collective Bargaining Agreement with Teamsters Local 205. Most of these employees work for departments and department heads who report directly to the Manager. However, an important segment of that bargaining unit, the police dispatchers, now report directly to the Chief, with no contract oversight by the Manager. Having unified reporting could eliminate contradictory interpretations of the Collective Bargaining Agreement and avoid confusion and unnecessary expenditures.

The Municipal Manager would also be fully responsible for keeping personnel files organized and secure. Naturally, all criminal investigatory other police records would remain exclusively within the Police Department, in accordance with state law.

The change could potentially increase efficiency and communication. As part of his regular communication with Council President, Council, and the Mayor, the Manager would be able to keep the elected officials apprised of the operation of all departments. At this time, the

Manager has detailed knowledge, and he is able to keep Council informed with respect to all other departments. He does so with planning, engineering, code enforcement, public works, and their budgets and personnel. Under the current system, he has no knowledge of issues related to personnel, budget and operations related to the Police Department and is unable to communicate important information about the Police Department to the Council. The role of the Manager includes a particular responsibility for organization and communication with the Council. The Chief of Police's responsibilities fall more towards specialized knowledge of and supervision of the Police Department.

- II. Chief of Police. Under this change in reporting, the role of Chief of Police would be largely unchanged. Currently, the Chief of Police is responsible for initial preparation and day-to-day administration of the police budget. With this change in the Home Rule Charter, he would simply keep the Manager informed and consult with him about fiscal and budgetary issues, as well as unusual expenditures in the same manner of the department heads. The Chief of Police's responsibility for law enforcement, assignments, training, and other matters related specifically to day-to-day law enforcement operations will remain within the exclusive jurisdiction of the Chief, who has the experience and expertise in these matters. The Chief would still be responsible for developing policy in the Police Department, however, with the new reporting arrangements; he could obtain assistance from the Manager with respect to integrating new Police Department policies with the Collective Bargaining Agreement and other municipal policies and practices.

The Chief would also continue to be the Municipality's chief law enforcement officer able to give advice to the Manager and directly to the Council with respect to the needs of the Police Department, potential issues arising in the future, etc.

Coordination of reporting through the Manager will also enable him to coordinate overall emergency services, including the fire and ambulance services, etc. with the Police Department.

- III. Municipal Council and Mayor. Under the current provisions to Home Rule Charter, the Mayor has an important function as the only municipal official elected by the all of the residents of the Municipality. He is the elected official often invited to community events to represent the municipal government to Bethel Park residents and the outside communities. Unlike the Borough Code, the Home Rule Charter gives the Mayor no direct authority or responsibility over the Police Department. Municipal Council, however, has a very important if limited responsibility over the Police Department under the Home Rule Charter. This would remain unchanged, even though the Chief of Police would now report to the Manager.

Currently, the process of testing and ranking applicants for police officer is done through a civil service system adopted in accordance with the Code of Ordinances. Council would continue however its responsibilities for selection of patrol officers under Article 3.18 of the Civil Service Rules and Regulations, from the top three scoring applicants as determined by the Civil Service Commission. Similarly, Council would continue to promote within the Police Department, but only from the top three scoring candidates governed by the Civil Service Rules.

In accordance with the Pennsylvania Constitution, all fiscal issues, such as revenues and expenditures and the preparation and modification of the annual budget to determine allocation and use of resources as would be performed by the elected Council.

Those provisions of the Home Rule Charter governing the selection and removal of the Chief of Police by Council would remain unaltered.

- IV. Civil Service Commission. The significant role of the Civil Service Commission would also remain unchanged. The administration of the application process, selection of a neutral testing service, administration of written and oral exams, and final ranking of officers for potential conditional offers of employment or promotion would remain within the appointed Civil Service Commission, the members of which serve for a fixed, staggered terms of office to ensure their independence.

This is a brief summary of the likely impact of changing the reporting requirement of the Chief to the Manager. It would have little or no impact on the Chief's authority for performing law enforcement duties, or on Council or the Mayor or the Civil Service Commission. But it would give the Manager comprehensive ability to deal with fiscal issues affecting the Municipality, personnel and legal issues likely to lead to litigation, and the addition of management expertise in the area of compliance with collective bargaining obligations and state and federal laws.

I hope this information is helpful to you and the Home Rule Study Commission in assessing this important matter.

LIT:582357-1 012348-006943

Appendix E

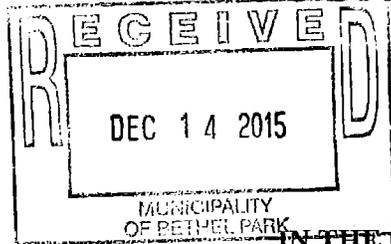
Certified Voting Results on Ballot
Question on reporting by Police Chief

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE



**IN THE OFFICE OF THE RETURN BOARD OF ALLEGHENY COUNTY
NOVEMBER 3, 2015 MUNICIPAL ELECTION**

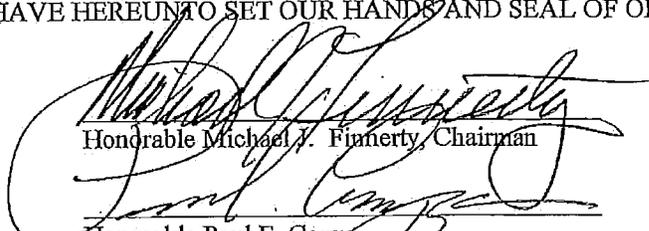
AND NOW, to-wit this 23rd day of November, five days after the Preliminary Certification of the votes cast in the November 3, 2015 Municipal Election, we the undersigned, hereby certify that the following is a true and correct statement of the return of the votes cast at the Special Election held in the Municipality of Bethel Park on the following question:

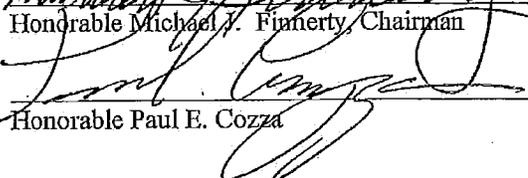
**MUNICIPALITY OF BETHEL PARK
HOME RULE CHARTER AMENDMENT
SPECIAL ELECTION QUESTION**

Shall Article VI. Public Safety, of the Bethel Park Home Rule Charter be amended to provide that the Chief of Police of the Municipality of Bethel Park Police Department shall be directly responsible to the Municipal Manager of the Municipality of Bethel Park, rather than to the Council of the Municipality of Bethel Park?

YES	had	Three Thousand, Three Hundred Fifty Seven	(3,357) votes
NO	had	Three Thousand, Two Hundred Sixty Five	(3,265) votes

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEAL OF OFFICE
THIS 23rd DAY OF NOVEMBER, 2015.


Honorable Michael J. Finnerty, Chairman


Honorable Paul E. Cozza

Honorable Heather S. Heidelbaugh

Board of Elections of the County of Allegheny

ATTEST:



Mark Wolosik, Division Manager
Department of Administrative Services
Elections Division

JERRY TYSKIEWICZ, DIRECTOR
DEPARTMENT OF ADMINISTRATIVE SERVICES – DIVISION OF ELECTIONS
604 COUNTY OFFICE BUILDING • 542 FORBES AVENUE • PITTSBURGH, PA 15219
PHONE (412) 350-4500 • FAX (412) 350-5697 • WWW.ALLEGHENYCOUNTY.US

Appendix F

Background Information on Home Rule Charter Law in Pennsylvania

A Primer on Home Rule

August 2009

The Institute for Public Policy & Economic Development

The **INSTITUTE** for

Public Policy & Economic Development

*A partnership among Keystone College, King's College, Luzerne County Community College,
Marywood University, Misericordia University, Penn State Wilkes-Barre, The Commonwealth Medical College,
University of Scranton, & Wilkes University*

Contents

Introduction..... 3
History of Home Rule..... 3
Current Forum of Government 5
Home Rule vs. County Code 5
Home Rule Charter Development..... 7
Endnotes..... 8

Special thanks to the
Pennsylvania Economy League-Central Division
for its contribution to this primer

Produced by *The Institute for Public Policy and Economic Development*

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Introduction

“Home rule” refers to a “limited autonomy or self-government granted by a central or regional government to its dependent political units.”¹ In other words, home rule potentially provides local municipalities with the power to self-govern over communal concerns. Establishment of a home rule in Luzerne County would grant it the ability to regulate and arbitrate over its own municipalities’ laws and mandates.

Moreover, municipal home rule would allow Luzerne County the authority to establish its own laws to protect:

- Local businesses
- Natural resources
- Workers’ rights
- Community values²

Home rule proponents claim it stimulates public participation and increases community awareness of local issues. “In home rule states, local government authority over local matters is delegated in broad terms, and local governments are not generally required to obtain specific authority for particular activities.”³ Instead of depending on Pennsylvania’s state law, the county could design its own laws and a regulation not dependent upon the state government’s typically drawn out authorization process.

In May 2009, Luzerne County voters elected a study commission to evaluate home rule and present a framework for home rule governance to be considered by voters.

History of Home Rule

The Commonwealth of Pennsylvania has had a particularly lengthy struggle in its historic attempts to incorporate a municipal home rule. On March 4, 1681, King Charles II authorized William Penn’s Charter – giving the Penn Family the power to oversee and govern more than 16 million acres of land that would ultimately be known as Pennsylvania.⁴

William Penn’s Charter (1681)/ Pennsylvania’s “birth certificate”

- Marks beginning of the Commonwealth
- Granted Penn the power to implement a system of government without British monarchy intervention
- Charter advocated for the following:
 - Representative government
 - Separation of church and state
 - Elimination of nobility and ranks
 - Self-rule
 - Diplomatic co-existence among ethnically and religiously diverse communities⁵

A Primer on Home Rule Charter

Although Penn's Charter was established in the 17th Century, its ideals and focuses represent democracy's main principles. William Penn's political philosophies and charter were even highly praised by Thomas Jefferson. Jefferson referred to Penn as "the greatest law giver the world has produced."⁶

Unfortunately, Penn's Charter did not withstand the 19th Century; legislative abuses and interference in local government matters eventually led to the Supreme Court's establishment of Dillon's Rule in Pennsylvania.⁷ Without the approval of the central state government, Dillon's Rule prohibited municipalities from incorporating local laws to address specific county issues.⁸

Dillon's Rule (1877)

- Municipal governments are dependents of state government
- State governments are responsible for a local government's "existence, form and function"⁹

As a result of Dillon's Rule, the beginning of the 20th Century inspired a political progressive movement that aspired to reform and to create a more effective form of local government. The wave for change advocated the notion of "a constitutional guarantee of home rule for municipalities across the country."¹⁰

But the Progressive era's idea of a home rule strictly aimed to reorganize municipality governments in terms of efficiency:

Home rule in the Progressive era was meant to achieve governing "efficiency" fashioned after corporate business models, and was not viewed as a way to expand citizen participation or create greater local democracy.¹¹

Thus, the community was not provided a more accessible government or to increased public involvement; instead, the move was strictly aimed to design a well organized and highly proficient local authority.

In 1922, home rule was finally established in Pennsylvania due to a modification of the Constitution, which assigned the General Assembly the power to grant cities the option of enacting a home rule charter. In 1949, the General Assembly designated home rule authority to Philadelphia only.¹²

By 1968, the Commonwealth granted all counties the ability to adopt a home rule charter. "Home Rule transfers substantial authority and responsibility to act in local affairs from state law to a local Charter which is adopted by voters. A county that adopts a Home Rule Charter has the ability to amend its Charter through referendum to suit its changing needs."¹³

Therefore, all of Pennsylvania municipalities and counties are technically allowed to enact their own home rule charters, which have the capacity to minimize a county's reliance on state legislation to govern local government.

Current Forum of Government

Although the Constitution of the Commonwealth of Pennsylvania enabled local governments statewide the option to adopt a Home Rule Charter in 1968, Luzerne County runs on a system known as the County Code.

County Code Basics:

- Consists of state laws only. Only Pennsylvania state legislators have the power to determine all—large and small—changes made in the local government

In other words, the current state code prevents Luzerne County residents from voting on communal issues concerning the management and operations of the county's administrative authority.¹⁴

Home Rule vs. County Code

The structure and regulations of the existing Luzerne County Code and a Home Rule Charter share various commonalities, yet there are clear areas of disagreement. In order to fully understand each, it is important to understand their differences and similarities.

Similarities

- County Code and Home Rule follow regulations and limitations found in:
 - U.S. and Pennsylvania Constitutions.
 - Some state laws.
- Both must follow existing labor and legal binding contracts.
- “County’s municipalities are separate and distinct from the County.”¹⁵
- Neither system diminishes citizen benefits, such as Social Security, Medicare, Medicaid, welfare, student loans, etc.

Differences

- County Code only allows Luzerne County’s administration to operate under “specifically authorized state laws.”¹⁶
- A Home Rule Charter’s operations can only be restricted by state or federal law.
- Home Rule enables municipality or county to govern by community voting over particular local manners, without statewide legislation intervention.
- A Home Rule Charter allows citizens “to amend its Charter through referendum to suit its changing needs.”¹⁷

A Primer on Home Rule Charter

Historic Reasons for Home Rule

- Residual powers – write own administrative code
- Increased citizen access – initiative & referendum
- Improved accountability & responsiveness
- Improved fiscal procedures & controls
- Flexibility
- Professional administration
- Wider representation
- Focused political leadership
- Separate legislative & executive functions
- Merit hiring & advancement

Limitations

- United States Constitution
- Pennsylvania Constitution
- State laws
- Specific restrictions - Act 62
- Laws that are uniform & applicable throughout the Commonwealth
- Laws directed expressly at home rule governments
- The charter itself

Specific Limitations

- Arbitration/labor relations
- Boundary Change Law
- Independence of municipalities
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law
- Local Agency Law
- Tort claims
- Unit Debt Act
- Taxation subjects
- Court appointed personnel
- Veterans preference
- Clean streams
- Sewage Facilities Act
- Storm Water Management Act
- Recycling & Waste Reduction Act
- Vehicle Code
- Firearms/hunting regulations
- Private business limitations

A Primer on Home Rule Charter

- Regulation of utilities
- Eminent domain
- Local government autonomy
- Zoning - Pennsylvania Municipalities Planning Code

Home Rule Charter Development

Pennsylvania's Home Rule Charter and Optional Plans Laws (Act 62 of 1972) offers counties and municipalities the steps necessary to incorporate home rule authority. In order to develop a Home Rule Charter, Luzerne County must first contact the Pennsylvania General Assembly: "Only an Act of the Pennsylvania General Assembly in Harrisburg can change this code."¹⁸

On November 6, 2001, the Luzerne County Government Study Commission was elected to consider the Home Rule Charter and Optional Plans Laws Act 62 of 1972. The Commission is comprised of eleven nonpartisan members who provide free services.¹⁹

The Commission was charged with studying the current form of government, the County Code, and assessing whether or not it is beneficial to the community. Once the Government Study Commission unanimously decided that alterations in local government would be a positive change, it drafted the proposal of a Home Rule Charter.²⁰ Finally, the proposed charter was reviewed and voted on by Luzerne County voters in a municipal election. In case of the 2001 Government Study Commission, voters did not accept its charter. In 2009, another Government Study Commission was elected and is now in the process of drafting a charter for consideration by Luzerne County voters.

Endnotes

-
- ¹“Home Rule.” (2009). In *Encyclopedia Britannica*. Retrieved April 02, 2009, from Encyclopedia Britannica Online:
<http://www.britannica.com/EBchecked/topic/270114/home-rule>
- ² The Community Environmental Legal Defense Fund. (2008). *Why Home Rule?* Retrieved Apr. 6, 2009, from <http://www.celdf.org/HomeRule/WhatisHomeRule/tabid/114/Default.aspx>
- ³ Frayda, B. S. (2006). Do North Carolina Governments Need Home Rule? *Popular Government*, 3, 15-24.
- ⁴ Ries, L. A., & Stewart, J. S. (2009). *This Venerable Document*. Retrieved Apr. 20, 2009, from <http://www.phmc.state.pa.us/bah/DAM/charter/charter.html>
- ⁵ Ries, L. A., & Stewart, J. S. (2009). *This Venerable Document*. Retrieved Apr. 20, 2009, from <http://www.phmc.state.pa.us/bah/DAM/charter/charter.html>
- ⁶ Ries, L. A., & Stewart, J. S. (2009). *This Venerable Document*. Retrieved Apr. 20, 2009, from <http://www.phmc.state.pa.us/bah/DAM/charter/charter.html>
- ⁷ The Community Environmental Legal Defense Fund. (2008). *Why Home Rule?* Retrieved Apr. 6, 2009, from <http://www.celdf.org/HomeRule/WhatisHomeRule/tabid/114/Default.aspx>
- ⁸ Ormsby, S., Appel, E., Brady, P., & Gibber, J. (2004). Dillon's Rule: Good or Bad for Local Governments? *League of Women Voters of the Fairfax Area Education Fund*, S-1-S-8.
- ⁹ Brannen, D. (2005). *Cooley Doctrine Memo*. Retrieved Apr. 27, 2009, from <http://www.celdf.org/CooleyDoctrineMemo/tabid/128/Default.aspx>
- ¹⁰ The Community Environmental Legal Defense Fund. (2008). *Why Home Rule?* Retrieved Apr. 6, 2009, from <http://www.celdf.org/HomeRule/WhatisHomeRule/tabid/114/Default.aspx>
- ¹¹ The Community Environmental Legal Defense Fund. (2008). *Why Home Rule?* Retrieved Apr. 6, 2009, from <http://www.celdf.org/HomeRule/WhatisHomeRule/tabid/114/Default.aspx>
- ¹² The Community Environmental Legal Defense Fund. (2008). *Why Home Rule?* Retrieved Apr. 6, 2009, from <http://www.celdf.org/HomeRule/WhatisHomeRule/tabid/114/Default.aspx>
- ¹³ Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>
- ¹⁴ Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne*

County Government Study Commission. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

¹⁵Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

¹⁶Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

¹⁷Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

¹⁸Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

¹⁹Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

²⁰Luzerne County Government Study Commission. (2003). *Amended Report of the Luzerne County Government Study Commission*. Retrieved Apr. 28, 2009, from <http://www.google.com/search?hl=en&q=amended+report+of+the+luzerne+county+government+study+comission&aq=f&oq=>

Home Rule in Pennsylvania

> ready > set > succeed



Home Rule in Pennsylvania

Eighth Edition
November 2013

Comments or inquiries on the subject matter of this publication should be addressed to:

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Table of Contents

I. Home Rule for Pennsylvania Local Governments	3
Meaning of Home Rule	3
Development of Home Rule	4
Citizen Involvement in Reorganizing Local Government	6
II. Beginning Government Study Commission Process	7
Placing the Government Study Commission Question on the Ballot	7
Electing Members of the Government Study Commission	8
Election Procedures	10
III. Operations of the Government Study Commission	12
Role of the Government Study Commission	12
Organizing the Government Study Commission	14
Meetings	16
Committees	17
Work Schedule	17
Finances	19
Consultants	21
Records	22
Public Relations	22
Final Report	24
Discharge of the Commission	28
Personal Experience of Commission Members	28
IV. Drafting Home Rule Charter	30
Basic Nature of a Charter	30
Style Characteristics	31
Basic Charter Components	32
General Grant of Powers	33
Basic Governmental Form	34
Governing Body	35
Executive/Administrative Provisions	38
Fiscal Procedures	44
Citizen Participation	46
General Provisions	47
Transition Provisions	48
V. Adopting, Amending and Repealing a Charter	49
Referendum on a Proposed Charter	49
Electoral Dynamics	51
Charter Amendment	53
Charter Repeal	56

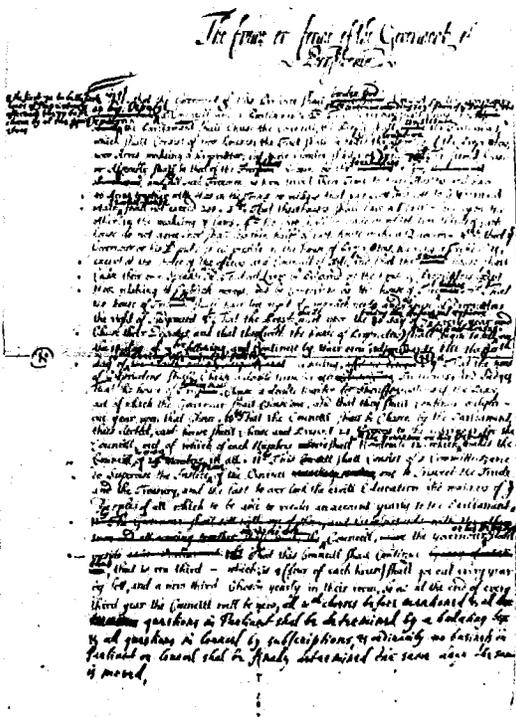
VI. Extent of Home Rule Powers	58
Parameters of Home Rule	58
Local Government Units	60
Election Procedures	61
Citizen Rights	63
Fiscal Procedures	64
Taxation	65
Municipal Personnel	67
Building/Housing Codes	69
Land Use Control	70
Environmental Control	71
Public Safety	71
Health and Social Services	72
Libraries	73
Private Business	74
Community Development	75
VII. Home Rule Charter and Optional Plans Law	76
VIII. Home Rule Counties and Municipalities	111

Foreword

This handbook introduces citizens and local government officials to the meaning of Home Rule for Pennsylvania Local Governments.

Material in the Home Rule in Pennsylvania publication is for information purposes only. It does not constitute legal opinion and should not be construed as such. The Department of Community and Economic Development is prohibited by law from rendering legal opinions for local governments. Any legal question or uncertainty regarding purchasing should be brought to the attention of the municipal solicitor.

Home Rule for Pennsylvania Local Governments



William Penn - The First Draft of the Frame of Government - c1681

Adoption of a new local government article to the Pennsylvania Constitution in 1968 guaranteeing the right of all Pennsylvania counties and municipalities to adopt home rule charters and exercise home rule powers was hailed as a watershed in the history of local government in Pennsylvania. Opponents warned of chancy experiments in untested legal areas. According to the Governor's Center for Local Government, home rule has proven to be an effective tool for reorganizing local governments to increase effectiveness and citizen participation, and has enabled a modest local initiative in procedural and substantive matters. But home rule has not been fully tested as a tool to revolutionize local democratic decision-making, although it has the potential to open up a path to real community self-governance.

Meaning of Home Rule

The basic concept of home rule is relatively simple. The authority to act in municipal affairs is transferred from state law, as set forth by the General Assembly, to a local charter, adopted and amended by the voters.

Home rule means shifting the responsibility for local governance from the State Legislature to the local community. A county, borough or township choosing home rule can tailor its government organization and powers to suit its special needs. An elected government study commission drafts the home rule charter. Commissioners often liken a charter to a local constitution for the municipality. It is a body of law, a framework within which the local governing body can adopt, adapt and administer legislation and regulations for the conduct of business, expansion of citizen participation in decision-making and creation of sustainable communities.

Pennsylvania law allows no initiative and referendum except when it comes to kicking-off a home rule campaign. Citizens may commence a change in their local government, repositioning governing authority in the local community, by circulating petitions with minimal signature requirements, and placing a question on the ballot that asks voters to elect a government study commission which can draft the charter and offer it to the voters for adoption.

The Governor's Center is quick to point out that home rule does not "set a municipality adrift from the rest of the state, and that it remains subject to restrictions found in the United States and Pennsylvania constitutions and in state laws applicable to home rule municipalities." Due to the state's legislative maneuvering since home rule was constitutionally mandated, statutory limits on local autonomy under home rule has made it more challenging for communities to achieve local democracy. But home rule remains the best strategic option for communities in Pennsylvania looking to wrest governing authority away from corporate-friendly legislators in Harrisburg. It allows changes in the way communities govern themselves that are restricted under municipal codes like the **Second Class Township Code** and other local governing guidelines. Local governments without home rule can only act where specifically

authorized by state law; home rule municipalities can act anywhere except where they are specifically limited by state law.

Enactment of the Home Rule Law in 1972 culminated a hundred-year long movement toward increased local autonomy. In the post-Civil War era, railroad and mining corporation lawyers appointed to judgeships at all levels of the judiciary had busied themselves constricting the power of citizens to oppose corporate projects and "development" in their own communities. State legislators cooperated closely by adopting municipal codes based on "**Dillon's Rule**," which relegated municipalities to the status of appendages of the state legislatures.

It was concurrent with increased emphasis on delegating both federal and state programs to county and municipal governments that Pennsylvania finally extended home rule to municipalities. But this legislative trend toward increased local autonomy has been coincident with a countervailing trend—an increased legislative tendency to reward lobbyists with uniform state laws overriding local discretionary authority. Examples include the **Municipalities Planning Code**, the "**ACRE**" **Initiative** (HB1646, 2005), and the **Pennsylvania Uniform Construction Code**. Thus home rule is not a static concept. State legislative activity and judicial interpretations are likely to constrict local powers further under home rule charters, and so it is up to citizens to work to expand them. The Legal Defense Fund is working actively to assist in that project.

Development of Home Rule

Implementation of home rule in Pennsylvania has been a slow, lengthy process, generally lagging behind other states. Final adoption of the Home Rule Law in 1972 came almost a century after Missouri became the first state to grant constitutional home rule in 1875.

Pennsylvania Background. William Penn's Charter granted by Charles II in 1681 authorized the proprietor to create counties, towns, boroughs and cities. The King took land not his and gave it to the Penn family to divvy up, oversee and govern. Early practice vested sovereign power over local government in the provincial, and later, state government. Abuse of legislative interference in local matters in the nineteenth century led to prohibition of special and local laws in the Constitution in 1874. However, only a few years later the U.S. Supreme Court adopted "**Dillon's Rule**" as the legal standard for decisions pertaining to municipal governance, thus making community decision-making ineffectual against state legislative dictates.

The progressive movement of the early twentieth century spread the concept of a constitutional guarantee of home rule for municipalities across the country. Home rule in the Progressive era was meant to achieve governing "efficiency" fashioned after corporate business models, and was not viewed as a way to expand citizen participation or create greater local democracy. Home rule first came to Pennsylvania in 1922 when the Constitution was amended to allow the General Assembly to grant cities the right to adopt home rule charters. But the legislature did not take action until 1949, and then only authorized home rule for Philadelphia. Philadelphia citizens were quick to take action - - the voters adopted a proposed home rule charter in May 1951.

A second step by the General Assembly was the adoption of the Optional Third Class City Charter Law in 1957. The Law offered third class cities a selection of governmental forms provided in the law and granted a measure of home rule power. Between 1957 and 1972, seventeen cities adopted optional charters under the authority of this law. Thirteen still operate under their optional charters; Wilkes-Barre adopted a home rule charter in 1973, Johnstown in 1993 and Allentown 1996.

Home Rule Law Home rule for all local governments became an issue again in the studies of various commissions leading up to the Constitutional Convention in 1967-68. Home rule was one of the central points of the new local government article proposed to the voters and adopted in 1968.

"Municipalities shall have the right and power to frame and adopt home rule charters... A municipality which has a home rule charter may exercise any power to perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time."

The legislature met the constitutional mandate to enact implementing legislation within four years by adoption of the Home Rule Charter and Optional Plans Law on April 13, 1972. The Home Rule Law establishes the procedure for adoption of a home rule charter. The voters of a local jurisdiction elect a government study commission charged with studying the existing form of government, exploring alternatives and deciding whether or not to recommend a change. If the commission decides to recommend home rule, it drafts a charter that is presented to the voters for their decision. Adoption of a home rule charter comes only with the approval of a majority of municipal citizens voting in a referendum.

The Home Rule Law also contains restrictions on the exercise of home rule powers. In certain subject areas, home rule municipalities are restricted to powers set forth in state law. In addition, home rule municipalities are subject to uniform state laws applicable in every part of the Commonwealth.

Since its inception, the Home Rule Law has been amended fourteen times. In most cases the amendments clarified procedures, but one significant amendment in 1974 placed home rule municipalities under the provisions of the Pennsylvania **Municipalities Planning Code**. This had the effect of nullifying all local laws pertaining to governance or regulation of land use within communities, even those under home rule charters. In 1996, the entire text of the Act was reenacted as part of Title 53 of the Pennsylvania Consolidated Statutes. This involved renumbering all the sections and restructuring the headings. In making these clerical changes, whole areas of democratic decision-making at the local level were voided. However, Article 1, Section 2 of the **Pennsylvania Constitution** has not yet been amended where it states, "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper." Hence, strategies for overcoming obstacles to local democracy instituted through the MPC by the legislature are wholly legitimate.

The Home Rule Charter and Optional Plans Law grants Pennsylvania municipalities the power to determine for themselves what structure their government will take and what services it will perform. A home rule municipality no longer has its powers and organization determined by the state legislature. A home rule municipality drafts and amends its own charter and can exercise any power or perform any function not denied by the state Constitution, the General Assembly or its home rule charter. As of January 2001, 71 municipalities have adopted home rule charters, including 6 counties, 19 cities, 19 boroughs and 27 townships.

Optional Plans Between 1957 and 1972, third class cities could choose the mayor-council or council-manager form of government. The Home Rule Charter and Optional Plans Law extended to all municipalities the right to adopt optional plans of government. Adoption of an optional plan of government alters a municipality's structural form and administrative organization. The municipality continues to be subject to its particular municipal code regarding municipal powers.

Six optional plans are provided for under the law:

1. Executive (Mayor)-Council Plan A (department of administration optional);

2. Executive (Mayor)-Council Plan B (department of administration mandated);
3. Executive (Mayor)-Council Plan C (provides for the office of managing director);
4. Council-Manager Plan;
5. Small Municipality Plan (limited to any municipality having a population of less than 7,500 residents; and
6. Optional County Plan (limited to counties).

As of January 1997, three cities, two boroughs and six townships have adopted optional plans of government. Thirteen cities continue to operate under the Optional Third Class City Charter Law.

The General Assembly chose to implement the constitutional mandates for home rule and for optional plans of government for municipalities in a single piece of legislation. Adoption of an optional plan is through the same government study commission process as for home rule, except the government study commission merely selects one of the optional plans provided in Sections 2971 through 3171 of the Law. These include a council-manager plan, an executive-council plan with three variations, and a plan for small municipalities where the elected executive doubles as the president of council. Municipalities adopting optional plans gain no more home rule powers; they remain subject to the provisions of their municipal code, except where it is superseded by the structural provision of the optional plan.

As of September 1999, only 22 government study commissions recommended optional plans to the voters, as opposed to 136 recommending home rule charters.

"Let the people think they govern, and they will be governed." - William Penn, *Some Fruits of Solitude* (1693).

Appendix G

Chart Comparing Home Rule Charter
provisions of Other Communities

COMMUNITY	POP. (2010)	FORM OF GOVERNMENT	POLICE CHIEF	BUDGET PROCESS	INITIATIVE / REFERENDUM	MAYOR	OF NOTE
Bethel Park	32,315	Council—Manager; Elected by ward; Mayor—elected at large	Reports to Council	By Sept. 1, Manager submits proposed budget to Council; capital program by July 1; Budget has to be adopted by Nov 30	Yes. Requires committee and signatures of 20% of voters in last gubernatorial election	Spokesman; Elected at large; Can veto ordinances; Votes to break ties on Council	
Greentree	4,432	7 member council; Elected at-large; Mayor elected at large; Appointed Manager	Reports to Mayor	By Nov. 15, manager submits proposed budget to Council; Adoption by Dec 31; Can modify during the year by up to 15%	None	Presides at ceremonies; Elected at large; Can veto ordinances; Signatory on checks	Council authorized to conduct inquiries and investigations; Recall provision
Whitehall Township (Lehigh County)	26,738	7 commissioners; Elected at large; Elected Township Executive; full-time position, has veto Elected Treasurer	Reports to elected Township Executive	By Oct 15, Township Executive submits proposed budget to Commissioners; Adoption by Dec 31; Can modify during the year by up to 15%	Yes, but not as to budgets, appropriation of money or taxes; Requires committee and signatures of 15% of voters in last Township election	Have an elected Township Executive; Has veto power;	Tax limits are set forth in the Charter; Have an Information and Complaints Officer who reports to Commissioners
Latrobe	8,338	7 member Council; Elected at-large; One member of Council is elected as Mayor; Appointed City Manager and appointed tax collector	Not specified; Appears that department heads report to Manager	By Nov. 1, Manager submits proposed budget to Council	Yes, but not as to budgets, appropriation of money or taxes; Requires committee and signatures by 10% of voters at last governor election	Elected at large as one of Council members	Council authorized to conduct inquiries and investigations
Greensburg	14,892	Strong Mayor Council is at-large Allows formation of committees	Reports to the Mayor	Submission from department heads by Oct. 15; submission to council 60 days before end of fiscal year	Requires petition from at least 5% of registered electors Limits on what can be challenged: not applicable to operating or capital budgets; salaries; levy or collection of taxes; more than one subject	Serves as Council President; supervises city employees; appoints positions, subject to Council approval	

Upper St. Clair	19,229	Commissioner/Manager form of government	Not specified in charter Reports to Manager	Submission of proposed budget to Commissioners by November 1	Yes, but does not apply to budget or capital program or any ordinance relating to the appropriation of money, levy of taxes or salaries Committee of 5 members; requires signatures of 15% of registered voters	No mayor	
Monroeville	28,386	Municipal council ;mayor; manager Has 7 wards; one council member elected by each ward Has Deputy Mayor	Appointed by Council	Submission of proposed budget 45 days before January 1	Initiative Petition process; requires signatures of 10% of registered at-large electors or 5% of registered electors from each Ward Council accepts or rejects No provision for vote by general electorate	Mayor is the "leader of the municipal government" and presiding officer of Council; has veto and tie-breaking power	Term limits Required meeting attendance for elected officials Election of persons to fill vacancies by special election at the next occurring primary and then general election
City of Chester	33,972	5 member council; One member of Council is elected as Mayor, who functions as chief executive	Not specified; Appears that department heads report to Mayor	By Sept 30, each Department reports to chief financial officer; By Nov 15, proposed budget delivered to Council	None	Elected at large as one of Council members	
Chester Township	4,604	5 member council; all elected at large; serve 6 year terms Auditor and tax collector elected Other municipal offices (solicitor, engineer, police commissioner, etc.) appointed by Council annually	Reports to Council; have no mayor; can have manager at Council's option	Submission by December 1; Required to be adopted by December 20	Yes. Requires committee of 10 persons 25% of electors must sign petition Cannot be used as to ordinances that levy taxes, adopt a specific capital program or that have been in effect for 90 days	No mayor	Annual appointments of department heads