

# City of New Castle

## HOME RULE CHARTER

PREPARED AND SUBMITTED BY:  
THE HOME RULE GOVERNMENT STUDY  
COMMISSION

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# Home Rule Charter for the City of New Castle

## Preamble and Statement of Vision

The People of New Castle through this Home Rule Charter envision a form of government that creates an environment of openness, empathy, participation, collaboration, integrity, consistency, fairness, effectiveness and accountability.

It is the intent of this Home Rule Charter to provide for prudent and pragmatic practices in the attitude of its governance, in its structure, roles and responsibilities and the manner in which it will function.

We therefore adopt this Charter to secure the benefits of local self-government and affirm the values of representative democracy, strong, ethical political leadership and professional management of its business and affairs.

The City shall have the affirmative duty to do each of the following, in addition to the performance of specific mandated duties provided for in this Charter and of all other municipal duties from time to time imposed on it by law:

- To provide for the health and well-being of its citizens and the safety of persons and property within the City.
- To promote the creation and maintenance of adequate regulations and programs for the preservation and enhancement of a safe, healthy, peaceful and attractive environment for the City citizens.
- To encourage and enable maximum citizen participation in the business and affairs of the City.
- To establish and maintain appropriate procedures for communicating effectively with City residents on issues of public interest and for responding promptly and effectively to inquiries and complaints of residents.
- To provide municipal services and facilities with the highest possible degree of effectiveness and efficiency.
- To provide for the sustainability of a municipal infrastructure, such as streets, traffic safety flow, storm sewerage and other public types of infrastructure throughout the City and promote means of pedestrian and non-motorized vehicular movement throughout the City.
- To engage in and sustain positive relationships with the neighborhoods, businesses, not-for-profit organizations and institutions throughout the City.
- To provide for comprehensive, progressive and long-range planning in all aspects of land use, community development and re-development.
- To promote beneficial cooperation with neighboring and other governmental units, school district in which the City is located and neighboring school districts.

The general municipal duties identified above are intended as objectives to be sought by the Mayor, City Council, its City Administrator and all employees and agents of the City, directly or indirectly.

## Article 1. General Provisions

### **§1.1 Name and Boundaries.**

- A. Name. The City of New Castle shall continue to be a municipal corporation under its present name of City of New Castle. As used in this Charter, the word "City" shall mean the home rule municipality known as the City of New Castle in Lawrence County, Pennsylvania.
- B. Boundaries. The physical boundaries of the City shall be the actual geographic physical boundaries of the City at the time this Charter takes effect and as they may be lawfully changed thereafter.

### **§1.2 Effective Date**

This Charter shall become effective on the first Monday of January 2022, with regard to any matter set forth in this Charter with the exception of any matter directly related to any elective and/or appointive office and/or any City employee. The municipal government shall operate under the terms and provisions of this Charter from and after the said effective date. Any matter directly related to elective and/or appointive offices and/or any City employee set forth herein shall become effective as provided in Article 12 of this Charter. Until such time the City shall be governed by the Third-Class City Code and Optional Third Class City Law Mayor/Council Plan A.

### **§1.3 Powers.**

The City may exercise any power and perform any function of government not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time. All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provisions the Third-Class City Code or other statutes of the Commonwealth of Pennsylvania shall apply.

### **§1.4 Construction.**

The powers of the City shall be construed liberally in favor of the City and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the City, except as limited in § 1.3 above, are to be considered as if specifically, and individually set forth in this Article, whether such powers are presently available to the City or may hereafter from time to time become available.

### **§1.5 Intergovernmental relations.**

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

### **§1.6 Eminent domain.**

The City may acquire property by eminent domain, including entering upon, appropriating, taking, using and occupying private lands and property for any public purpose as authorized by the Commonwealth and subject to the duty to provide just compensation.

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

### §1.7. Definitions

The following words, when used in this Charter, shall have the following meaning:

"Charter" shall mean the Home Rule Charter adopted by the voters for the City of New Castle.

"City" shall mean the Home Rule Municipality known as the City of New Castle

"City Administrator" shall mean the Chief Appointed Administrative Officer of the City.

"City's Official Information Site" shall mean the City's website or other media through which the City primarily posts information, notices and announcements.

"City Solicitor" shall mean the legal advisor and chief lawyer for the City.

"Council" shall mean the duly elected governing body of the City, the Council Members and Mayor, and may be referred to collectively as "members of the Council" or individually as a "member of the Council".

"Council Member(s)" shall mean the individuals elected as members of the Council but shall not include the Mayor.

"Elected Officials" shall mean the Mayor and Council Members.

"Elector" shall mean any person within the City who has legally registered to vote.

"Governing Body" shall mean the Council.

"Mayor" shall mean the Chief Elected Official of the City.

"Public Notice" shall mean a legal advertisement in compliance with the current laws of the Commonwealth of Pennsylvania.

"Voter" shall mean any person who is qualified to vote in the City of New Castle.

### §1.8. Guarantees of Nondiscrimination.

The City shall not deny to any person the enjoyment of any civil right, or discriminate, or allow discrimination against any person in the exercise of any civil right because of race, color, religious belief, ancestry, gender, disability or national origin.

### §1.9. Ethics Law.

All officials and employees of the City shall be subject to the Pennsylvania Public Official and Employee Ethics Law as now in effect or as hereafter amended. The Council may adopt a City ethics ordinance which may be more restrictive but shall not conflict with the state ethics law.

#### **§1.10. Conflict of Interest.**

No elected or appointed official or employee of the City shall influence, attempt to influence, or vote on the making of any contract, or otherwise supervise or deal in any City matter in which such person has either a direct or indirect financial, personal, or other special interest.

#### **§1.11 Continuation of General Laws and Ordinances.**

All ordinances, rules, and regulations of the City in force at the time the Charter becomes effective and not in conflict with any provision of the Charter shall continue in force until amended or repealed by the Council.

The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it when this Charter takes effect and shall be subject to all its debts, obligations, liabilities and duties.

#### **§1.12. Charter Amendment.**

Amendments to this Charter may be framed and proposed in accordance with the provision of the laws of the Commonwealth governing home rule Charters, as presently enacted or hereafter amended.

#### **§1.13. Severability.**

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

## Article 2. Council

### §2.1 Composition, eligibility, election, and terms.

- A. Composition. The City shall be governed by a seven-member Council, elected at large to staggered four-year terms, one of whom shall be the Mayor. The Mayor shall be independently elected at large and shall be the presiding officer of the Council and the representative for the City.
- B. Deputy Mayor. The Council shall select a Deputy Mayor from among its members to perform the presiding officer duties in the absence or disability of the Mayor
- C. Eligibility. Only registered voters of the City who have resided in the City for a period of one (1) year before the primary election in which the person is a candidate and be at least 18 years of age shall be eligible to hold the office of Council Member. All Council Members must retain residency in the City during their terms of office. If during a term of office, a Council Member moves out of the City s/he forfeits that position on Council.
- D. Election and Terms. The regular election of Council shall be held at the municipal election in the manner provided by the state election code. Three (3) Council Members shall be elected at one municipal election and three (3) Council Members at alternate municipal elections. The initial elections to transition to the six (6) councilmembers is detailed in §12.3 of this Charter. Each of the Council Members elected after the initial election shall serve for a term of four (4) years and until their successor has been seated. The terms of Council Member shall begin on the first Monday of January of the year after their election.

### §2.2 Compensation; expenses.

Compensation of Council Members, in the form of a salary, may be changed by ordinance no later than February 15 of the year of a municipal election. The new salary shall become effective on the date that the Council Member takes office. Until such time as the annual compensation of Council Members is changed in accordance with this section, said compensation will continue at the rate in effect at the time of the adoption of the Charter. Council Members shall receive no other compensation, direct or indirect, for the performance of their duties: they shall receive no pensions, insurance, health benefits or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties.

### §2.3 General powers and duties.

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

The following are Council powers and responsibilities:

- A. To adopt an Administrative Code within one (1) year after the Charter is approved by vote of the electorate and certified by the Lawrence County office of Elections, establishing and defining the responsibilities of City departments, agencies and offices as well as procedures as it shall deem to be of basic importance in the proper and efficient operation of the City government. Council shall have the continuing authority thereafter by amendment of the Administrative Code to make changes in departmental, personnel and administrative procedures, to create, abolish or alter any department, board, commission, agency or position, except as may be required by law or this Charter to the extent that such matters are not inconsistent with the Charter and with existing applicable laws.
- B. To enact, amend, or repeal all ordinances and resolutions provided they do not conflict with this Charter or the laws of the Commonwealth.
- C. To appoint or remove the City Administrator and City Solicitor in accordance with the provisions of this Charter.
- D. To approve the appointment of Department Directors as recommended by the City Administrator.
- E. To make appropriations, incur indebtedness, and adopt the annual budget of all City Funds and a capital budget.
- F. To make or cause to be made special studies or post-audits as it deems to be in the best interest of the City.
- G. To hold public hearings on any matter.
- H. To appoint committees or commissions of its own members or of citizens to conduct inquiries and investigations into the conduct of any officer, department, commission, authority, or agency or any matter relating to the welfare of the City and shall delegate to such committees or commission such powers of inquiry as the Council may deem necessary.
- I. To compel the attendance of witnesses and the production of books, records, papers, documents or any other evidence at any meeting of the Council or any committee thereof, and for that purpose may issue subpoenas signed by the Mayor. Any person called as a witness as provided in this section shall testify and be examined under oath, which shall have been administered by the presiding officer of Council or the committee involved.

- J. To fix the amount of fidelity bonds for officers and employees paid from municipal funds.
- K. To adopt by resolution or motion policies, rules and regulations for its conduct and procedures governing the management and administration of the City.
- L. To make provision for any matter of City government not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this Home Rule Charter form of government.

#### §2.4 Continuing Education

The City shall offer to Council Members the opportunity to attend a newly elected officials training course or equivalent offered by a local government training organization and participate in continuing education relative to their duties and responsibilities throughout their tenure. The cost of such training shall be borne by the City.

#### §2.5 Prohibitions.

- A. No elected City official shall hold any elected or appointed City office other than the one to which s/he was elected or appointed.
- B. No elected City official shall hold any compensated position of City employment.
- C. Elected officials of the City shall not accept gifts from any persons who may gain personally from any transaction with the City.
- D. Individual Council Members may not direct any employee and/or official of the City and must act with Council, as a body, to direct the appointed City Administrator.

#### §2.6 City Administrator.

Except as provided in Article 12, the Council shall appoint a City Administrator, by a vote of at least four (4) members of the Council. The offices of City Administrator and City Clerk may be held by the same person. Council may also combine the position of City Administrator with other positions as it sees fit and deems in the best interest of the efficient operations of the City.

#### §2.7 Vacancies, forfeiture of office, filling vacancies.

- A. Vacancies. The office of Council Member shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this Charter or by forfeiture of office.
- B. Forfeiture of office. A Council Member shall forfeit his office if she/he lacks at any time during her/his term of office any qualifications for the office prescribed by this Charter or by law.

- C. Filling of Vacancies. Council shall declare the office vacant at least 10 days before the office shall be filled by appointment. The Council shall, by the vote of a majority of the remaining members of the Council, fill such vacancy within 45 days therefore, by electing a qualified person to serve until that first Monday of January when his successor, who shall have been elected by the qualified voters at the next municipal election held at least 60 days after such vacancy occurs, is duly sworn into office for the remainder of the term of the person originally elected to said office. If Council fails to fill a vacancy on Council within 45 days of the occurrence of the vacancy, then the Lawrence County Court of Common Pleas shall, upon petition of 10 or more qualified electors, fill such vacancy by the appointment of a qualified person for the portion of the unexpired term as above provided.

If the number of Council becomes less than a quorum, then the remaining members of the Council shall fill the vacancies on Council one at a time so that any newly appointed member will participate in a vote to fill remaining vacancies on Council and shall do so in the manner set forth in the Charter.

## §2.8 Procedures.

- A. Oath of Office. The Council Member, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania.
- B. Meetings. The Council shall meet and organize itself during the first week of January of each year even numbered year. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by legal public notice. The Mayor shall serve as Presiding Officer of Council. All meetings of Council at which any formal or informal vote is taken shall be public, except in the event of an emergency. Special meetings may be held upon the call of the Mayor, Deputy Mayor in his/her absence or disability or upon the written request of three (3) or more members of Council to the City Administrator provided that at least 24 hours' notice is given to each member of the Council.
- C. Rules. The Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. The minutes of Council shall be a public record.
- D. Voting. All voting of Council shall be public.
1. Each Council Member in attendance is required to cast an affirmative or negative vote unless there is a written conflict of interest stated prior to the vote.
  2. If by voting, a member of the Council would be violating the laws of the Commonwealth of Pennsylvania, the member of the Council may abstain and must announce his/her reason for doing so prior to the vote. If a Council member abstains for other reasons not required by law, she/he must state the reason why. If a member of the Council abstains from a vote without stating a reason therefor, or if said

reason is not a valid reason for abstaining, said abstention shall be considered and recorded as an affirmative vote.

3. Voting, except on procedural motions shall be by ayes and nays unless a roll call vote is required by law or requested by a member of the Council.
  4. Four (4) members of the Council shall constitute a quorum for official business.
  5. For resolutions and motions, the action of a majority, of Council present and entitled to vote, unless otherwise stated, shall be binding upon and constitute action of Council.
  6. Ordinances shall be enacted by a majority of Council present, except for those noted in Section 2.9B.
- E. Citizens Public Comments. The Council shall provide reasonable opportunity for interested citizens to address the Council on matters of general or special concern at all Council meetings at which a quorum is present, in accordance with the Open Meetings (Sunshine) Act of the Commonwealth of PA.

## §2.9 Ordinances

- A. Ordinance Required: In addition to any other actions required by law or by this Charter to be taken by ordinance, the following actions of the Council shall be by ordinance:
1. Adopt or amend the Administrative Code, including establishing, altering or abolishing any municipal department office or agency. A affirmative vote of at least four (4) members of the Council shall be required.
  2. Adopt the annual budget. Amendments to the budget shall be adopted by resolution.
  3. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
  4. Levy new taxes or increase the rates of existing taxes. A vote of at least four (4) members of the Council shall be required.
  5. Grant, renew, or extend a franchise.
  6. Execute a borrowing instrument as required by the Local Government Unit Debt Act.
  7. Amend or repeal any ordinance previously adopted except for budget amendments.
  8. Any increase in the compensation of the Mayor or members of the Council. A vote of at least four (4) members of the Council shall be required.

9. Legislative acts other than those referred to above may be completed either by ordinance or resolution.
- B. Ordinances Requiring a Public Hearing. No final action shall be taken on the following types of ordinances and amendments without a public hearing and at least ten (10) days prior public notice of said hearing published in compliance with the current laws of the Commonwealth of Pennsylvania. Said notice shall furnish the time and place of the public hearing and shall state where and when copies of the proposed ordinance may be available for public inspection. Ordinances requiring public hearings shall be scheduled in the event of:
1. Hearing is required by state or federal law.
  2. New taxes or increases in the rates of existing taxes; (No prior public notice shall be necessary for the reenactment of taxes levied annually at the same rate.)
  3. Adoption or amendment to the Administrative Code.
  4. Adoption with or without amendment of ordinances proposed under the initiative power.
  5. Ordinances previously adopted or repealed under the referendum power.
- C. Ordinance Procedure. The preparation of an ordinance requires a majority vote of the members of the Council present at any regular or special meeting of Council. Each ordinance shall be introduced in writing and in the form required for final adoption and then automatically tabled. Upon introduction of any ordinance, the City Administrator or City Clerk shall distribute a copy to the Mayor and each Council Member and shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate.

Notice of all proposed ordinances shall be published on the City's Official Information Site, not less than seven (7) days before passage. Notice shall include either the full text or a brief summary of the proposed ordinance which lists its major provision(s) and a reference to the place within the City where copies of the full text of the proposed ordinance may be examined. The ordinance, at a subsequent meeting, may be removed from the table by a motion of Council. The ordinance, after removal from the table, shall be discussed in Council, and amendments, if any, shall be made on the floor with the roll call taken on all amendments submitted. The amendments shall be read at length. If the City Solicitor determines that substantial amendments are made in the proposed ordinance, before voting upon enactment, the proposed ordinance shall be placed on the table and shall not be acted on until the next regular or special meeting of Council. Where maps, plans or drawings of any kind are adopted as part of an ordinance, said documents shall be kept on file and available to be examined by the public.

When an ordinance receives an affirmative majority vote, it shall then be signed by the Mayor, within ten (10) days of an affirmative majority vote, or in his or her absence or refusal to sign, the Deputy Mayor or any other Council Member and attested by the City Administrator or City Clerk.

- D. Penalty. The penalty for the violation of any ordinance shall not exceed the maximum fine that may be levied or other punishment authorized by any non-Charter municipality in the Commonwealth of Pennsylvania as those limits are established by the General Assembly. Any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such.
- E. Publication and Effective Date of Ordinances. After adoption, all ordinances shall be published on the City's Official Web Site. If prescribed by state law Public Notice shall be given. The full text of the ordinance need not be published unless required by law; instead, the title or a general summary of the substance of the ordinance will be sufficient to meet the publication requirement. Publication shall occur within 30 days of the enactment of the ordinance. The effective date of the ordinance shall be as set forth by the laws of the Commonwealth of Pennsylvania. In the event said laws fail to set forth an effective date, then said effective date shall be ten (10) days after the ordinance is signed by the Mayor, Deputy Mayor or other Council Member, as permitted by this Charter.
- F. Recording of Ordinances and Resolutions. All ordinances and resolutions of the City shall be retained verbatim in accordance with the states record retention act. Ordinances and resolutions shall be available for public inspection at reasonable hours. Ordinances and resolutions shall be in the custody and control of the City Clerk and all entries made therein shall be at the direction of the City Clerk. In lieu of an ordinance book the City shall codify all adopted ordinances within six (6) months of the effective date of the ordinance.
- G. Codes of Technical Regulation. The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. Copies of any adopted code of technical regulation shall be made available by the City Clerk for distribution at a reasonable price.
- H. Emergency Ordinances. The Council may adopt emergency ordinances in conditions affecting life, health, property, or the public peace. Such emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility, or authorize the borrowing of money except as provided by the laws of the Commonwealth of Pennsylvania. An emergency ordinance shall be introduced in accordance with § 2.9.C of this Charter, except that it shall be designated as an emergency ordinance and shall contain a declaration stating the emergency that exists. The emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it became effective, but this shall not prevent reenactment of

the ordinance in the manner specified if the emergency still exists. An emergency ordinance may be repealed at any time.

## Article 3. Mayor

The Mayor shall be the Chief Elected Official of the City and the Presiding Officer of Council. S/he shall be the official representative of the City government and shall have the authority to represent the City in deliberations with other governmental bodies. The Mayor may delegate such authority to any other elected or appointed officer of the City.

### §3.1 Eligibility, election, and terms.

- A. Eligibility. Candidates for Mayor must be registered voters of the City who have resided in the City for a period of one (1) year before the primary election in which the person is a candidate and be at least 18 years of age at the time of his/her election. The Mayor must retain residency in the City during his/her term of office. If during a term of office, the Mayor moves out of the City s/he forfeits that position.
- B. Election. The regular election of the Mayor shall be held at the municipal election in the manner provided by the state election code. The initial election to transition to the Mayor on Council position is detailed in §12.3 of this Charter.
- C. Term: The term of the Mayor shall be four (4) years and shall begin on the first Monday of January of the year after the election.

### §3.2 Compensation; expenses.

The salary paid to the Mayor shall be fixed by ordinance of Council finally enacted no later than February 15 of the year of a municipal election. The new salary shall become effective on the date that the newly elected Mayor takes office. Until such time as the annual salary of the Mayor is changed in accordance with this section, said salary will continue at the rate in effect at the time of the adoption of the Charter. The Mayor shall receive no other compensation, direct or indirect, for the performance of his/her duties: s/he shall receive no pensions, insurance, health benefits or other forms of fringe benefits. The Mayor shall, however, be entitled to reimbursement for actual expenses incurred in the performance of his/her duties.

### §3.3 General powers and duties

The Mayor shall be a voting member of the City Council and shall:

- A. Attend and preside at meetings of the Council.
- B. Represent the City in intergovernmental relationships.
- C. Appoint, with the advice and consent of the Council, the members of citizen advisory boards and commissions, unless otherwise provided by law.
- D. Publicly present an annual "State of the City and Its Government" message.

- E. Appoint the members and officers of Council committees.
- F. Assign agenda items to committees.
- G. Participates in the preparation of the agenda.
- H. Facilitate the work of the Council in developing policy.
- I. Promote positive and productive relationships among Council the City Administrator and citizens in developing public policy and in building a sense of community.
- J. Lead the Council in the development of long-term goals for the City and strategies to implement those goals
- K. Sign all ordinances, resolutions, contracts and agreements and
- L. Sign subpoenas and administer oaths to witnesses.
- M. Actively promote economic development to broaden and strengthen the commercial and employment base of the City. Encourage programs for the physical, economic, social and cultural development of the city
- N. Serve as a conduit for citizen inquiries by communicating them to the City Administrator.

### **§3.4 Continuing Education**

The City shall offer to the Mayor the opportunity to attend continuing education courses offered by a local government training organization relative to his/her duties and responsibilities throughout his/her tenure. The cost of such training shall be borne by the City.

### **§3.5 Prohibitions.**

- A. The Mayor shall not hold any elected or appointed City office other than that of Mayor.
- B. The Mayor shall not accept gifts from any persons who may gain personally from any transaction with the City.
- C. The Mayor may not direct any employee and/or officials of the City and must act with Council, as a body, to direct the appointed City Administrator.

### §3.6 Vacancies, forfeiture of office, filling vacancies.

- A. Vacancies. The office of Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this Charter or by forfeiture of office.
- B. Forfeiture of office. The Mayor shall forfeit his/her office if she/he lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law.
- C. Filling of Vacancy. The Deputy Mayor shall fill the office of Mayor for the remaining term of the Mayor once the office of Mayor has been declared vacant by Council. Council shall then follow the procedure in §2.7 of this Charter to fill the vacant Council position held by the Deputy Mayor.

## Article 4. City Administrator

### §4.1 Qualifications.

The City Administrator shall be appointed by the Council solely on the basis of her/his executive and administrative qualifications, experience, and education.

- A. The City Administrator shall have at minimum a bachelor's degree in public, municipal or business administration or related field. A combination of a bachelor's degree in an unrelated field and experience in municipal management may be considered by Council.
- B. S/he shall be eligible to be a member or associate member of the International City/County Management Association or successor organization.
- C. At the time of her/his appointment, s/he need not be a resident of the City of New Castle or of the Commonwealth of Pennsylvania. Council by an affirmative vote of at least four (4) members of the Council may authorize residency outside City limits.

### §4.2 Term of office, Employment Agreement.

The City Administrator is an "at will" employee and shall serve at the pleasure of Council. Council is authorized to enter into an employment agreement by majority vote with the City Administrator that may include the following points:

- A. Term of Agreement. A specified period terminating not later than two (2) years after the effective date of the Employment Agreement or the date of the organizational meeting of Council after the next municipal election, whichever is earlier and which otherwise complies with the laws of the Commonwealth of Pennsylvania.
- B. The Employment Agreement may also contain:
  - 1 Duties, Responsibilities, and Authority.
  - 2 Compensation, Benefits, and Conditions of Employment.
  - 3 Pension Benefits.
  - 4 Resignation and/or Termination Provisions.
  - 5 Severance.
  - 6 Performance Evaluation.
  - 7 Any other items mutually agreed upon.
- C. No terms of the agreement shall contradict the Home Rule Charter, Administrative Code, Personnel Code or laws of the Commonwealth of Pennsylvania.

- D. The City Administrator may be removed from office by a vote of at least four (4) members of the Council at any time subject to her/his Council-approved employment agreement.

#### §4.3 Acting City Administrator.

The City Administrator may name a qualified administrative officer of the City to perform his/her duties during his/her temporary absence or disability. If s/he fails to name a deputy, or, if his/her absence or disability continues for more than 30 days, the Council may appoint an officer of the City or such other qualified person to perform the duties of the City Administrator until s/he shall return or her/his disability ceases.

#### §4.4 Powers and duties of the City Administrator.

The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be responsible to the Council for the administration of all city affairs assigned to him/her by this Charter or by ordinance. The City Administrator shall:

- A. Provide for the enforcement of all laws and ordinances of the City.
- B. Appoint or remove all Department Directors and a Deputy City Administrator, with the consent of the Council.
- C. Appoint or remove all other City employees as provided herein or by ordinance.
- D. Direct and supervise the administration of all departments, offices and agencies within City government, except as otherwise provided by the Charter or law, and to make recommendations to Council concerning the affairs of the City.
- E. Negotiate contracts on behalf of the City, subject to the approval of the Council.
- F. Make recommendations concerning the nature and location of City improvements.
- G. Assure that all terms and conditions imposed in favor of the City or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and shall bring violations to the attention of the Council.
- H. Prepare an agenda for and attend all meetings of the Council with the right to take part in discussions, but without the right to vote.
- I. Make such recommendations to the Council concerning policy formulation as s/he deems necessary.
- J. Keep the Council and the public informed of the conduct of City affairs.
- K. Oversee the preparation and submission of the annual budget and budget message to the Council and administer the budget approved by the Council.
- L. Carry out all policies they established by Council for the proper administration of City affairs within the jurisdiction of the Council.

M. Prepare an annual report.

N. Perform such other duties as may be required by ordinance or resolution of the Council.

#### §4.5. Prohibition.

A. The City Administrator shall neither seek nor hold any elective government office while serving as City Administrator.

B. The City Administrator shall not accept gifts from any persons who may gain personally from any transaction with the City

#### §4.6. Departmental Accountability.

All departments, offices, and agencies under the supervision of the City Administrator shall be administered by a Department Director appointed with the consent of Council. The City Administrator may serve as Department Director of one or more departments, offices, or agencies or may appoint one Department Director as the head of two or more departments or agencies.

#### §4.7. Bond

The City Administrator shall annually provide a lawful fidelity bond in an amount to be approved by the Council but at least in an amount sufficient to cover the amount of revenue on hand at any one time. The premium of the bond shall be paid by the City.

## Article 5. Chief Financial Officer

Council shall provide for the office of Chief Financial Officer (CFO) in the Administrative Code. The CFO shall be appointed on the basis of financial and accounting qualifications, education, and experience and special consideration shall be given to applicants with training and experience in municipal government operations in the area of public finance.

### §5.1. Appointment, qualifications

- A. Appointment. The CFO shall be appointed by the City Administrator with the consent of Council.
- B. Qualifications. The CFO shall be generally competent in accounting practices, possess a strong governmental accounting background and be knowledgeable, experienced and current in public finance.
  - 1. The CFO shall have at minimum a bachelor's degree in Finance, Accounting, or Public or Business Administration from an accredited four-year college or university.
  - 2. A degree in another field may be considered based on the experience of the individual.
  - 3. The CFO should be eligible to be a member of the Government Finance Officers Association or successor organization.

### §5.2. Appointment of assistants.

With the approval of the City Administrator, the CFO shall hire assistants, personnel, and consultants as are necessary to carry out all the duties and assignments of the City's Finance Office and as appropriated in the annual budget.

### §5.3. Duties and Responsibilities

The CFO shall be considered a Department Director and shall be responsible for the he City's financial management operations.

- A. The CFO shall serve as Tax Collector and Treasurer and collect all taxes and fees as authorized by Council, except as otherwise proscribed by law.
- B. The CFO shall be responsible for the performance and oversight of the City's Financial Management Systems.
- C. The CFO shall be responsible for the preparation of the annual operating budget and capital improvement plan under the direction of the City Administrator.
- D. The CFO shall prepare and submit regular financial reports to Council and the City Administrator, including but not limited to budget performance, cash flow, and bank account reconciliation.

- E. The CFO shall provide for secure deposits of all City funds in depositories approved by the Council and shall provide for lawful investment of idle funds.

#### §5.4. Prohibitions

- A. The CFO shall not hold any elected governmental office while serving as the City's CFO.
- B. The CFO shall not accept gifts from any persons who may gain personally from any transaction with the City.

#### §5.5. Bond

The CFO shall annually provide a lawful fidelity bond in an amount to be approved by the Council but at least in an amount sufficient to cover the amount of the taxes on the real estate duplicate. The premium of the bond shall be paid by the City.

## Article 6. City Solicitor

Council by a majority vote of the entire Council, shall appoint a legal officer, licensed to practice law in the Commonwealth of Pennsylvania, who shall serve as chief legal adviser to the Mayor, Council, City Administrator and all the municipal departments, offices and agencies of the City. The Solicitor shall represent the City in all legal matters and shall perform any other duties prescribed by this Charter, by ordinance or other applicable law.

### §6.1. Appointment, qualifications, and compensation.

- A. Appointment. Council, by a vote of at least four (4) members of the Council, shall appoint a Solicitor for an indefinite term. The City Solicitor may be one person or a law firm, partnership, association, or a similar professional entity.
- B. Qualifications. The Solicitor must be an attorney licensed to practice law in the Commonwealth of Pennsylvania.
- C. Compensation. The Solicitor shall be appointed either on a full-time basis or a part time basis or on a retainer basis or a combination thereof. The Solicitor shall be compensated as provided by Council in the annual budget and shall not receive fringe benefits of the City unless the position of City Solicitor shall become full-time.

### §6.2. Powers and duties.

The Solicitor shall be the chief legal officer of the City and shall be responsible for the following specific duties:

- A. Attend Council meetings as required.
- B. Furnish legal opinions to the Council, and the City Administrator on any matter arising in the exercise of their official powers and duties. When a formal opinion is requested by Council or the City Administrator, the same shall be in writing citing legal precedents if available.
- C. Except as otherwise expressly provided by the Council, supervise, direct, and control all the law work of the City.
- D. Approve all contracts, bonds, and other instruments, and shall approve all surety bonds.
- E. Prepare or assist in the preparation of any ordinance or resolution upon the request of the Council or City Administrator.
- F. Council may, at its discretion, appoint one or more assistant City Solicitors, for an indefinite term.

### §6.3. Special Counsel

Council may, at its discretion, retain special counsel for particular proceedings or matters of the City and shall provide for the compensation of special counsel.

### §6.4. Removal

The Council may, by a vote of at least four (4) members of the Council, remove the City Solicitor, assistant City Solicitors and/or any special counsel at any time, with or without cause.

## Article 7 City Clerk

### §7.1. Appointment.

The City Administrator may, with the consent of Council, appoint a City Clerk for an indefinite term. The position may be combined with the position of City Administrator or another position in City government.

### §7.2. Removal.

The City Administrator may, by a vote of at least four (4) members of the Council, remove the City Clerk at any time, with or without cause.

### §7.3. Powers and duties.

The City Clerk, if appointed, shall:

- A. Keep full minutes of Council meeting proceedings.
- B. Transcribe the bylaws, rules, regulations, resolutions, and ordinances into appropriate books kept for those purposes.
- C. Preserve the records and documents of the City.
- D. Have custody of the corporate seal.
- E. Certify copies of any book, paper, record, bylaw, rule, regulations, resolution, ordinance or other proceedings of the City under the seal of the City.
- F. Attest to the execution of all instruments.
- G. File or record proof of service of all notices required by law or ordinance.
- H. Deliver to the successor the seal and all the books, papers and other records and matters belonging to the City.
- I. Perform such other duties as are required by the City Administrator or Council.

## Article 8. Personnel

The Council shall adopt by ordinance an Administrative Code defining the responsibilities of municipal departments, offices, and agencies as it deems necessary and proper for the effective and efficient conduct of municipal affairs.

### §8.1 General provisions.

- A. Existing Departments. All departments, offices, and agencies in existence at the date of enactment of this Charter unless contrary to this Charter, shall continue to operate until the Council provides otherwise. All city employees shall continue employment upon the enactment of the Charter.
- B. Creation of Departments. The Council may establish municipal departments, offices, or agencies in addition to those created by this Charter and may prescribe the function of all departments, offices, and agencies.
- C. Direction by City Administrator. All departments, offices and agencies shall be under the direction and supervision of the City Administrator.

### §8.2 Personnel System

The Council shall establish by ordinance a personnel system which system shall not be inconsistent with any statute heretofore enacted by the General Assembly affecting the rights, benefits, or working conditions of employees of the City and any state laws that relate to collective bargaining.

### §8.3 Merit System.

All hiring, employment and promotions of City employees shall be made solely based on merit including: their abilities, knowledge, skills, performance, and potential for greater responsibility as demonstrated by examination or other evidence of competence.

### §8.4. Collective Bargaining.

No personnel related ordinances, resolutions, policies, or procedures shall conflict with the laws of the Commonwealth of Pennsylvania that relate to collective bargaining.

### §8.5. Civil Service

All fire and police employees shall be hired and promoted according to the Civil Service provisions as set forth in the Third-Class City Code and/or the laws of the Commonwealth of Pennsylvania, as amended from time to time, and according to the City's Civil Service Rules and Regulations as amended from time to time by the Council.

### §8.6. Prohibitions

- A. No City employee shall take an active part in a political campaign or solicit political contributions or services for any City public office.

- B. No City employee shall hold any City public office or any City political party office while serving as a City employee. A City employee may run for and hold political office outside the City but shall not campaign or solicit political contributions for her/his campaign while at work for the City or on City property at any time.
- C. No person shall solicit political contributions or services for any candidate or political party from any City employee while at work for the City or on City property at any time.
- D. No City employees shall accept gifts from any persons who may gain personally from any transaction with the City

## Article 9. Financial Procedures

### §9.1. Fiscal year.

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

### §9.2. Submission of budget.

The City Administrator with the assistance of the CFO shall submit to the Council a budget for the next fiscal year with an accompanying budget message no later than November 1.

### §9.3. Budget message.

The budget message shall explain the budget both in fiscal terms and in terms of the work to be done. It shall describe the important features of the budget; indicate any proposed major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the City's debt position; and include such other material as the City Administrator deems desirable.

### §9.4. Operating Budget.

The operating budget shall provide a complete financial plan for all City funds and activities for the next fiscal year and, except as required by law or this Charter, shall be in the form the City Administrator prefers and is acceptable to Council. The budget shall be organized in a clear and precise manner, classifying expenditures by fund, organization unit, program, purpose or activity and object.

The budget shall begin with a general summary of its contents. It shall show in detail all estimated income, indicating the proposed tax levies, and all proposed expenditures including debt service for the next fiscal year; and shall provide comparative figures for actual and estimated income and expenditures of the current and at minimum the preceding fiscal years.

### §9.5. Balanced Operating Budget.

Total proposed expenditures shall not exceed the total estimated revenue in each fund.

### §9.6. Capital improvement program.

The City Administrator with the assistance of the Chief Financial Officer shall prepare and shall submit to the Council a five-year capital improvement program no later than October 1 of each fiscal year.

The capital program shall include the following:

- A. A simple, clear, general summary of the detailed contents of the program.
- B. Identification of the long-term goals of the City.
- C. The capital improvements pending or proposed for the next fiscal year, together with the estimated cost of each improvement and the method for financing it.

- D. The capital program proposed for the four fiscal years following the next fiscal year, together with the estimated cost of each improvement and the proposed method of financing it; and
- E. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

#### §9.7 Public record.

- A. Upon submission, the budget, capital program, and budget message shall be a public record in the Office of the City Clerk and shall be open to public inspection during business hours.
- B. City Administrator or City Clerk shall at the same time make available copies of the proposed budget, capital program and budget message for distribution to interested persons.
- C. Copies of the adopted budget and capital program shall also be public records and shall be made available to the public during business hours.

#### §9.8. Council action on the Budget.

- A. Public Notice. Council shall provide public notice on the budget and posting on the City Official Information Site not less than ten (10) days before adoption of the budget and shall consider fully the view of City residents.
- B. Adoption and Amendment Before Adoption. The budget shall be presented at a public meeting of Council. After publication of notice of its intent to adopt the budget Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for an estimated cost deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.
- C. Amendment after Adoption of the Budget. The Council may amend the budget by resolution during the fiscal year for which the budget is adopted, providing that any amendment shall fall within the City's estimated income at the time of the amendment.
- D. Appropriation. Adoption of the budget and any amendments later made shall constitute appropriations for the expenditures included in the budget.

### §9.9 Council Action on Capital Program.

- A. Public Notice. Council shall provide public notice and shall post the capital program on the City's Official Information Site not less than ten (10) days before adoption of the budget and shall consider fully the view of City residents.
- B. Adoption. The Council by resolution shall adopt the capital program, with or without amendment after public notice and prior to the beginning of the next fiscal year.

### §9.10. Taxation Limits and Ordinance

Concurrently with the adoption of the annual budget, the Council shall adopt by ordinance the annual tax levies after public notice.

- A. Public Notice. The public notice shall state where and when copies of the proposed ordinance may be available for public inspection.
- B. Rates. Subject to the applicable provisions of law, the Council, in its sole discretion shall determine the rates of all taxes.
- C. Adoption of Tax Levy. The adoption of a tax levy ordinance shall be required for new taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the reenactment of taxes levied annually at the same rate.

### §9.11. Emergency Appropriations

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may incur debt in a manner prescribed by the Pennsylvania Local Government Unit Debt Act now in effect or as amended.

### §9.12. Borrowing of Funds.

Council may authorize the borrowing of money for any purpose within the scope of powers vested in the City by this Charter or by the Pennsylvania General Assembly, including revolving funds for municipal improvements, and for the issuance of bonds of the city or other evidence of indebtedness pursuant to the Local Government Unit Debt Act. The Council may pledge the full faith, credit and resources of the City for the payment of the obligation created.

### §9.13. Temporary Investment of Funds

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

### §9.14. Independent audit.

The Council shall provide for an independent annual audit of all City accounts of the previous year by a certified public accountant who has no personal interest, direct or indirect, of the fiscal affairs of the City or of any of its elected or appointed officers. The Council may provide for more frequent audits as it deems necessary. The results of the annual audit and a financial statement of

the fiscal affairs of the City shall be submitted to the PA Department of Community and Economic Development and published by April 1st following the fiscal year audited as required by law. The annual audit shall be presented to the Council with more detailed information and a financial statement of the fiscal affairs prepared by the City's independent auditor by August 31st following the fiscal year audited.

#### **§9.15. Payment of Funds.**

- A. No payment of any funds shall be made unless provided for in the budget and specifically approved by the Council; with the exception that payroll, insurance and utility expenditures may be made at the direction of the CFO. Council may by Ordinance or Resolution may authorize other expenditures to be made at the direction of the CFO.
  
- B. All checks or drafts of the City shall be signed and counter-signed by an elected and appointed officer.
  - 1. Elected (the Mayor, Deputy Mayor or member of the Council designated by Council).
  - 2. Appointed (Chief Financial Officer, City Administrator or City Clerk).
  
- C. The CFO shall prepare a monthly list of expenditures to be approved for payment by City Council at their regular meeting.

#### **§9.16. Purchasing and Procurement.**

The City shall adopt a purchasing and procurement ordinance for the purchase of supplies, material, labor, franchises, or other valuable consideration to be furnished to or by the City. The ordinance shall include definitions, publication requirements, deposit and bond requirements, conditions, terms, rules and regulations, waiver and exceptions as Council shall from time to time deem advisable. The ordinance shall also establish and maintain a system of competitive bidding, proposal solicitation, and procedures for purchasing certain products and services without bidding.

#### **§9.17. Contracts.**

All contracts of the City shall be consistent with public thresholds for competitive bidding published by the PA Department of Labor and Industry annually. The City may use the bidding thresholds annually set by the PA Department of Labor and Industry.

The Mayor and City Administrator and shall execute all contracts, regardless of the amount, for the City. If the Mayor and/or City Administrator refuse to sign a contract, the Council may authorize two (2) members of the Council to sign the contract.

### **Article 10. Public Participation**

### §10.1 General Provisions

Council shall protect and promote the right of citizens of New Castle to participate in a positive and constructive manner. Subject to and in accordance with this Charter, citizens of the City may participate in City Government by:

- A. Seeking elected office and voting for the elected officials of their choice.
- B. Serving on boards, commissions, authorities, or other agencies of the City.
- C. Attending and being heard at Council meetings and other City boards, commissions, authorities, or agencies of the City.
- D. Participating in the periodic review and recommendation of amendments to this Charter; and
- E. Exercising the right of initiative and referendum as provided in Article 11 in this Charter.

### §10.2. Open Meetings

Opportunity shall be provided for the public to be heard at all public meetings under procedures established by Council in the Administrative Code and pursuant to the PA Open Meetings Law (the Sunshine Act).

### §10.3. Official City Information Site (Website)

Council shall provide for the establishment, operation and maintenance of an official City website for the purpose of providing the citizens and taxpayers of the City with notice and information regarding the functions and activities of City government. In the event that a city website should become obsolete for meeting its intended functions as herein provided, Council may by ordinance utilize the most generally accepted substitute for a website to accomplish the purpose of this section.

All notices and documents required by this Charter to be posted and displayed on the official City website shall be posted and displayed on the date required for publication or submission and shall remain posted and displayed until the date of any meeting or hearing at which formal action on the subject matter of such posting shall take place. Proof of posting shall be retained by the City Clerk.

## Article 11. Initiative and Referendum

### §11.1 Initiative and Referendum

- A. Initiative. The qualified voters of the City shall have the power to propose ordinances to the Council by an initiative petition. If the Council fails to adopt the proposed ordinance without any change in substance, the ordinance shall be placed on the ballot at the next timely City primary or City general election, for adoption or rejection by the voters of the city.
- B. Referendum. The qualified voters of the city shall have the power to require the Council to reconsider any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the ordinance shall be placed on the ballot at the next timely City primary or City general election, for adoption or rejection by the voters of the city.

### §11.2. Prohibition.

Initiative and referendum may not be used to compel the enactment, modification, or repeal of ordinances affecting taxes, fees, charges or other revenue measures; to adopt, modify, or otherwise affect the budget, capital program, salaries, wages, fringe benefits or other compensation of City officials or public employees; or to amend this Charter.

### §11.3. Initiative and Referendum Proceedings.

Any five (5) qualified voters may start initiative or referendum proceedings by filing with the City Clerk an affidavit stating they shall constitute the Petitioners' Committee and shall be responsible for circulating the petition and filing it in the proper form. The affidavit shall set forth the names and addresses of the members of the initiative petition and specify the address to which all notices to the Committee are to be sent. The affidavit shall set forth the full text of the proposed ordinance or cite the ordinance sought to be repealed. Within five (5) business days after the affidavit of the Petitioners' Committee is filed, the City Clerk shall issue the initiative petition blanks to the Petitioners' Committee.

### §11.4. Number of Signatures.

Initiative or Referendum petitions must be signed by qualified voters of the City equal in number to at least fifteen percent (15%) of the total number of voters who voted at the most recent gubernatorial election.

### §11.5. Form and Content of Initiative and Referendum Petition.

The petition shall be uniform in size and style and capable of being assembled as one instrument for filing. Each signature to the petition shall be executed in ink or indelible pencil and shall include the name of the person signing the petition printed legibly and clearly, the address of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed for enactment or repeal.

#### **§11.6. Affidavit of Circulator.**

If the petition is circulated by more than one person, each petition separately circulated shall have attached to it when filed an affidavit executed by the circulator thereof verifying that he or she personally circulated the document and verifying the number of signatures thereon. The circulator shall swear or affirm that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed for enactment or repeal

#### **§11.7. Time for Circulation and Filing Initiative Petition.**

Initiative petitions shall be circulated and signed within a period of sixty (60) days of the date of the first signature on such petition.

#### **§11.8. Verification.**

The City Administrator shall be vested with authority to review and determine the sufficiency of the petition. Within thirty (30) days after the petition is filed, the City Administrator shall certify the petition is satisfactory or deficient. In the event the petition is certified as satisfactory it shall be placed on the agenda of Council for action at the next regular meeting. In the event that the petition is certified as insufficient, the City Administrator shall return the petition to the petitioner with a statement setting forth specifically the matters requiring corrective action. The petitioner shall file a corrected petition within ten (10) days of the receipt of such certificate and the City Administrator shall within ten (10) days thereafter again certify the petition as satisfactory or insufficient. If the amended petition is again certified as insufficient, the Petitioners' Committee may file a corrected petition or request Council review. If neither action is taken by the Committee within ten (10) days, the City Administrator's office shall certify the petition as insufficient and no further action on the petition shall be taken.

#### **§11.9. Review of Insufficiency by Council.**

If a corrected petition is certified insufficient and the petitioner does not file an amendment, or if the amended petition is judged insufficient, the Petitions' Committee may, within ten (10) days after receiving the certificate, file with the City Clerk a request with the Council for review. The Council shall review the certificate at its next meeting or within thirty (30) days, whichever comes first, and rule on the sufficiency. Council ruling will then constitute the final determination as to the sufficiency of the petition pending court review.

#### **§11.10. Reconsideration by Council.**

When the initiative or referendum petition has been judged sufficient, the Council shall promptly consider the proposed ordinance for enactment or existing ordinance for repeal.

#### **§11.11. Submission to Election Office.**

If the Council fails to take action sought by the petition within sixty (60) days after the petition has been judged sufficient, it shall within five (5) days submit a petition containing the ordinance involved and copies of all documentation to the county election office for referendum action by the voters of New Castle at the next City primary or general election to occur no less than ninety (90) days from the filing of the petition with the election office.

#### **§11.12. 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 and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail in the area of conflict. If a proposed initiative ordinance fails to be adopted, it cannot be initiated for 2 years after initially proposed.
  
- B. Referendum. If a majority of the qualified electors voting on the question vote in favor of repeal of the ordinance cited in the referendum petition, the ordinance shall be considered repealed upon certification of the election results. If the referendum to repeal an ordinance fails to receive a majority vote it cannot be repealed by referendum for two (2) after the initial request for repeal.

#### **§11.13. No Repeal Within Two Years.**

Any ordinance originally proposed by initiative, whether enacted by Council or adopted by referendum, cannot be repealed or amended within two (2) years of its effective date except by a vote of the electors. If a proposed ordinance fails to receive enough votes on a ballot question, it is precluded from being reintroduced for two (2) years after it appears as a ballot question.

#### **§11.14. Number of Proposed Ordinances to be Submitted.**

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this Charter

## Article 12. Transition

### §12.1. Rights, Property, Franchises, Contracts, Liabilities, Judgments, Decrees and Obligations of the City.

The City shall continue to own, possess, exercise and/or control, as the case may be, all rights, property, and franchises of every kind or nature, owned, possessed, exercised and/or controlled by it when this Charter takes effect under the same conditions that applied at such time, and shall be subject to all debts, obligations, contracts and liabilities to which it was subject at the time this Charter takes effect, under the same conditions that applied at such time. The same shall include any judicial orders or determinations and binding arbitration rulings.

### §12.2. Effective Date of Charter.

If approved by referendum at the primary election to be held on or about May 18, 2021, this Charter shall take effect on the first day of January 2022, and the following transition provisions in this Article shall apply.

### §12.3. Elected Officers.

The current Mayor, elected to office in the general election held in November 2019, shall commence powers and duties of that office under this Charter beginning the first Monday of January in 2023 upon which time the powers and duties of the Mayor under the Optional Third Class City Charter Law Mayor/Council Plan A shall cease.

The two (2) incumbent Council Members whose terms commence in January 2022 shall continue to serve their full unexpired terms on Council after this Charter takes effect. On or after January 1, 2023, Council may appoint by majority vote of Council a sixth Council Member to serve on Council for the remainder of the year 2023. Three (3) Council Members shall be elected to four-year terms commencing the first Monday of January in 2024 and one (1) Council Member shall be elected to a two-year term commencing the First Monday of January 2024. Thereafter, all terms of Council Members shall be four years in length.

All elected officials in office at the time of the adoption of this Home Rule Charter, which shall mean upon certification of the primary election in 2021, shall continue in office until their terms expire. Any other officers of the City elected by vote of the electors or appointed to fill a vacancy in any such elected office, who shall have assumed office prior to January 2022, shall hold such office until their respective terms shall expire, but their powers and duties, if any, shall be directed by the Charter unless modified by the Administrative Code.

Vacancies occurring on or after January 2022, in any office that is not provided for as an elective office by this Charter shall not be filled.

### §12.4. Appointed Administrative Officers and Employees.

Except as specifically provided by this Charter, at the time this Charter takes effect, all City administrative officers or employees holding any office or position prior to January 2022 shall continue in such office or position unless that office or position is eliminated under the adopted

Administrative Code. This Charter does not intend to confer to any at will employee any property rights to their employment with the City.

On and after January 1, 2023 the current business administrator shall serve as acting City Administrator until such time as a City Administrator is appointed by Council.

Any appointed officer or employee holding a City position on January 2022, shall be subject to the personnel system provided for in the Administrative Code or Personnel Code upon its adoption by Council.

#### **§12.5. Prior Legislative Acts.**

All ordinances, resolutions, rules, and regulations of the City of legislative nature, or portions thereof, in force when this Charter takes effect, and not in conflict with this Charter, shall remain and continue in force as if enacted under this Charter until they either expire by their own terms, or are amended or specifically repealed, either in whole or in part pursuant to this Charter.

#### **§12.6. Transition Committee.**

In order to promote an orderly transition to the new form of government provided by this Charter, and to ensure that all necessary action is taken to assure this Charter is fully operational on its effective date, the Council shall, within thirty (30) days after certification of the adoption of this Charter, appoint a Transition Committee comprised of the Mayor, two (2) Council, Members, two (2) members of the Government Study Commission, the City Solicitor, the Chief Financial Officer/Business Administrator, up to two (2) City Department Directors and residents of the City as the Council shall select, to draft the Administrative Code of the City and the rules and regulations, ordinances and resolutions necessary for the effective implementation of this Charter and the proper continuation of the governmental affairs of the City.

Not less than fifteen (15) days prior to the effective date of this Charter, the Mayor and the Transition Committee members of the Council shall meet with the Transition Committee to discuss, review, and prepare drafts of the necessary ordinances and other actions appropriate to implement this Charter.

#### **§12.7. Employee Compensation and Rights.**

Current compensation, fringe benefits, and general employee rights and privileges of existing employees shall not be affected by adoption and effectuation of this Charter.