

**CHAPTER 23. TOWNSHIP OF HAVERFORD HOME
RULE CHARTER**

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Source

The provisions of this Chapter 23 adopted April 27, 1976, effective January 3, 1977, except for the transitional provisions of Article XI of this Charter which shall become effective upon certification of the adoption of the Charter, unless otherwise noted.

ARTICLE I. NAME, POWERS, AND FORM OF GOVERNMENT

Sec.

- 23.1-101. Name and Boundaries.
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- 23.1-104. Powers Vested in Board of Commissioners.
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§ 23.1-101. Name and Boundaries.

The Township of Haverford shall continue as a municipal corporation under the name of the Township of Haverford with the actual boundaries at the time this Charter takes effect and as may be lawfully changed thereafter. As used in this Charter the words Haverford and Township shall mean the Home Rule Municipality Township of Haverford, Delaware County, Pennsylvania.

§ 23.1-102. General Powers.

Haverford shall have and may exercise any powers and perform any functions not denied by the Constitution of Pennsylvania, the General Assembly of the Commonwealth of Pennsylvania, or this Charter.

§ 23.1-103. Interpretation.

The powers of Haverford shall be liberally construed in favor of the Township in order to provide Haverford with the greatest possible power of self-government under the Pennsylvania Constitution. Any specific mention of powers in the

Charter shall not be construed as limiting in any way the general powers of the Township as stated in this Article.

§ 23.1-104. Powers Vested in Board of Commissioners.

The legislative powers of Haverford shall be exclusively vested in the Board of Commissioners as set forth and limited in this Charter.

§ 23.1-105. Continuation.

All powers and functions contained in any and all ordinances and resolutions of the Township of Haverford prior to the effective date of this charter which are in force on the effective date of this charter, and not inconsistent herewith, shall continue in force until amended, repealed, superseded, or expired by their own terms.

§ 23.1-106. Form of Government.

The form of government, as set forth in this Charter, shall be a Commissioner-Manager Form.

ARTICLE II. BOARD OF COMMISSIONERS

Sec.

- 23.2-201. Name and Composition.
- 23.2-202. Establishment of Districts.
- 23.2-203. Changes in Districts.
- 23.2-204. Qualifications for Office.
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- 23.2-207. Term of Office.
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- 23.2-212. Organization of the Board.
- 23.2-213. Board Meetings and Procedures.
- 23.2-214. Agenda.
- 23.2-215. Quorum and Majority Action.
- 23.2-216. Official Action.
- 23.2-217. Records and Reports.
- 23.2-218. Legislative Powers and Duties.

§ 23.2-201. Name and Composition.

The legislative body of Haverford shall be known as the Board of Commissioners, hereinafter referred to as the Board. The Board shall be composed of nine members elected from representative districts.

§ 23.2-202. Establishment of Districts.

Commissioner districts, nine in number, and hereinafter referred to as Wards, shall be formed of compact, contiguous territory, following distinctive geographical boundaries, and shall contain as nearly as possible equal numbers of residents, as determined by the latest official census of the United States Bureau of Census. The initial Wards for the first Board to serve under this Charter shall be the Wards in effect at the time of the municipal election of November 4, 1975.

§ 23.2-203. Changes in Districts.

Changes in Districts shall be made in accordance with the law.

§ 23.2-204. Qualifications for Office.

A member of the Board of Commissioners, hereinafter referred to as Commissioner, shall be a citizen of the United States; a qualified voter of the Township and a resident of the ward represented for at least one year preceding nomination; must retain such status during the term of office for which elected, and must not otherwise be disqualified from office by the terms of this Charter or by laws of the Commonwealth of Pennsylvania.

§ 23.2-205. Prohibitions.

No Commissioner, during his term of office, shall hold any other elected public office nor any other compensated position in Haverford Township government.

No Commissioner shall publicly or privately seek individually to interfere with the official acts of Township officers and employees. However, nothing herein contained shall prevent the Board from establishing committees of its members to review operations and legislative needs of the Township departments, or from assigning individual members to liaison relationships with boards, commissions, and authorities. It is the intent of this Charter that the Board act as a body in relation to all administrative matters.

Cross References

This section cited in 323 Pa. Code § 23.6-604 (relating to Boards and Commissions).

§ 23.2-206. Forfeiture of Office.

The office of a Commissioner shall be forfeited if he is declared by any Court of this Commonwealth to:

- A. Lack any qualifications for the office prescribed by this Charter or Acts of the General Assembly;
- B. Have willfully violated any express Prohibitions in this Charter;

C. Be convicted of any crime classified as a misdemeanor of the second class or higher, under the laws of this Commonwealth or of the United States, or be convicted of any comparable crime under the laws of any other State in the United States.

§ 23.2-207. Term of Office.

Commissioners shall serve for four-year staggered terms beginning at 7:30 p.m. of the first Monday of January following the year in which they are elected except for Commissioners appointed or elected to fill a vacancy, who shall serve for the remainder of the unexpired term of the member succeeded or as otherwise provided in § 23.2-211 of this Charter.

§ 23.2-208. Elections.

The procedure for the nomination and election of Commissioners shall be as provided in the election laws of the Commonwealth of Pennsylvania.

At the election in the year one thousand nine hundred and seventy-five and every 4 years thereafter, the Commissioners from the even numbered wards shall be elected, and at the election in the year one thousand nine hundred and seventy nine and every four thereafter, those from the odd numbered wards shall be elected.

§ 23.2-209. Vacancies.

The office of a Commissioner shall become vacant upon death, resignation, removal of place of residence from the ward represented, legal certification of mental and/or physical disability, or forfeiture of office as directed by this Charter, or as otherwise provided by law.

§ 23.2-210. Filling of Vacancies.

Whenever a vacancy exists in the Office of Commissioner, the vacancy shall be filled under the following procedures.

A. The Board, by a majority vote of its total membership, shall within thirty days from the time the office becomes vacant make an interim appointment of a qualified person to fill the vacancy.

B. Should sufficient vacancies exist so that the Board lacks the necessary majority to make the appointment, the Court of Common Pleas, upon petition of any Commissioner or any five registered voters of the Township, shall make the interim appointments to fill the vacancies.

C. Should the Board, for any reason, fail to fill a vacancy within thirty days after the vacancy occurs, the Court of Common Pleas, upon petition of any Commissioner or any five registered voters of the Township shall make the interim appointment to fill the vacancy.

D. The person appointed to fill a vacancy shall serve until the first regularly scheduled meeting of the Board following a municipal, general, or primary election at which his successor shall have been elected.

E. At the next regularly scheduled election, municipal, general or primary, which occurs at least sixty days after a vacancy occurs, a qualified person shall be elected by special election to fill the vacancy. A person elected to fill a vacancy shall assume office at the start of the first regularly scheduled meeting of the Board following his election and shall serve for the remainder of the unexpired term.

§ 23.2-211. Compensation.

The compensation of the Commissioners to first serve under this charter shall be and is hereby set at \$3,000 per annum. The Board may establish by ordinance the annual compensation of succeeding Commissioners, but no ordinance changing compensation shall become effective until the expiration of the term of all Commissioners in office at the time the ordinance is enacted. It is the intent of this Charter that all Commissioners in office at the same time shall be paid at the same rate and that no Board shall change the compensation of Commissioners then in office during the term for which any of them were elected. Ordinances affecting the compensation of future Commissioners shall be enacted prior to the first day of February in municipal election years in order to apply to Commissioners elected in such years and to other Commissioners serving at the same time. Commissioners while in office shall receive no additional municipal compensation, direct or indirect, and shall not receive any Township pension, insurance (other than liability insurance related to their duties), or other forms of municipal fringe benefits. However, they shall be authorized to receive reimbursement of reasonable expenses actually incurred in the performance of their duties in accordance with regulations which shall be set forth in the Administrative Code or other ordinance.

Cross References

This section cited in 323 Pa. Code § 23.22-207 (relating to term of office).

§ 23.2-212. Organization of the Board.

The Board shall organize at a meeting at 7:30 p.m. on the first Monday of January of each year. If the first Monday is a legal holiday, the organizational meeting will be held on the first day following which is not a legal holiday. At the organizational meeting the Board shall elect from its membership a President and a Vice-President who shall hold such offices at the pleasure of the Board. The President or, in the President's absence, the Vice-President, shall preside at Board meetings, shall serve as the Township's representative at ceremonial occasions, and shall carry out such duties as prescribed elsewhere in this Charter or in the Administrative Code or other ordinance.

§ 23.2-213. Board Meetings and Procedures.

The Board shall meet regularly at least once in every month at such time and place within the Township, as the Board may prescribe by ordinance or resolution. At its first meeting each year, the Board shall designate and advertise the calendar of regular monthly meetings for the remainder of the year. Special meetings may be held on the call of the presiding officer by providing notice to each Commissioner at least twenty-four hours in advance of such special meeting, which meeting notice shall be prominently posted at the Township office. In the event of an emergency which makes it necessary to convene a meeting with less than twenty-four hours advance notice, this requirement may be waived. The Board shall, in the Administrative Code or other ordinance, adopt rules and regulations for its meetings which shall be designed to assure full and equal participation in the deliberations of the Board by all of its members and shall not be inconsistent with specific provisions of this Charter. All regular meetings of the Board, and any special meetings at which official actions are taken, shall be open to the public and public notice of such meetings shall be given.

§ 23.2-214. Agenda.

The Board shall cause to be prepared for each regular meeting an agenda of matters to be considered by the Board at such meeting, including pertinent background information, which agenda shall be distributed to the public in attendance at the start of the meeting. The agenda shall be available prior to the start of the meeting. No official action may be taken on any matters not included in the announced agenda for the meeting except by an affirmative vote of a majority of the total number of members of the Board. The agenda shall include opportunity and reasonable time for public participation in the meeting.

§ 23.3-215. Quorum and Majority Action.

A majority of the members of the Board shall constitute a quorum. The Board shall conduct no business except in the presence of a quorum. The action of a majority of the Commissioners present and entitled to vote shall be binding upon and constitute the action of the Board, provided a quorum is present, except as otherwise provided in this Charter. The phrase “majority of the total membership of the Board” or similar language is used elsewhere in this Charter to indicate actions which must be taken by a majority of the total membership rather than the majority of a quorum.

§ 23.2-216. Official Action.

All actions of the Board shall be taken by the adoption of an ordinance, resolution or motion. All legislation shall be enacted by the adoption of an ordinance. All ordinances and resolutions shall be in written form and enacted only after reasonable notice, except as otherwise provided in this charter. All final action in

adopting ordinances and resolutions shall be by roll call vote, and the vote of each Commissioner shall be entered in the record of the meeting.

§ 23.2-217. Records and Reports.

The Township Secretary maintain a written record of the minutes and proceedings of all meetings of the Board. All ordinances and resolutions shall be entered, as approved, in the record books of the Township. All records and reports shall be open and available for public inspection at the Township office throughout normal office hours. No citizen of Haverford Township shall be denied reasonable access to all public records of the Township. Copies of minutes, ordinances, resolutions and other official reports and actions of the Board shall be available to the public without charge or at a reasonable fee established by the Board.

§ 23.2-218. Legislative Powers and Duties.

All legislative powers of the Township shall be exclusively vested in and exercised by the Board. The Board shall provide for the exercise of and performance of all legislative powers and duties imposed on the Township by law or by this charter, and specifically, but not limited to the following:

A. To adopt the budget, make appropriations for expenditures for all lawful purposes, and levy taxes authorized by law and limitations thereon imposed by this charter or general law;

B. To adopt, amend and repeal an administrative code to create, alter, combine and/or abolish municipal departments, bureaus, boards, and commissions, and prescribe procedures not inconsistent with this charter or general law;

C. To make or cause to be made such studies or post-audits and investigations as it deems to be in the best interests of the Township;

D. To adopt ordinances and resolutions not inconsistent with or restrained by the Constitution and laws of the Commonwealth or by this charter, and prescribe fines and penalties consistent with general law for the violation of Township ordinances;

E. To make provision for any matter of the Township government not otherwise provided for in this charter or general law, and not inconsistent therewith.

ARTICLE III. ORDINANCES

Sec.

23.3-301. Actions Requiring Ordinances.

23.3-302. Form of Ordinance.

23.3-303. Standard Code of Technical Regulations.

23.3-304. Procedure for Enactment.

23.3-305. Effective Date.

23.3-306. Publication.

- 23.3-307. Recording.
- 23.3-308. Codification.
- 23.3-309. Emergency Ordinances.
- 23.3-310. Traffic Ordinances.

Cross References

This section cited in 323 Pa. Code § 23.7-704 (relating to operating budget).

§ 23.3-301. Actions Requiring Ordinances.

In addition to any other power or duty required by law or by this charter to be exercised by ordinance, those powers and duties of the Board shall be exercised by ordinance which:

- A. Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- B. Establish, levy, and collect taxes, and decrease or increase the rates of existing taxes;
- C. Establish, alter or abolish rates or charges for any utility or other service supplied by the Township;
- D. Authorize the borrowing of money, except for revenue anticipation loans, or emergency loans as provided elsewhere in this charter;
- E. Grant, renew, or extend a franchise.
- F. Exercise the power of eminent domain;
- G. Purchase, convey, lease or authorize the purchase, conveyance or lease of real property;
- H. Establish, alter or amend any zoning ordinance, subdivision procedure, land development, land use or building regulation;
- I. Amend or repeal any ordinance previously adopted.

§ 23.3-302. Form of Ordinance.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Any ordinance which repeals or amends an existing ordinance shall clearly indicate matter to be repealed, omitted or added.

§ 23.3-303. Standard Code of Technical Regulations.

The Board may adopt any standard code of technical regulations by adopting an ordinance incorporating said code by reference. The details of such standard codes need not be advertised, but copies of such codes shall be available at the Township office for public inspection and for purchase at a reasonable fee fixed by the Board.

§ 23.3-304. Procedure for Enactment.

An ordinance may be introduced by any Commissioner at any regular or special public meeting. Except where specifically provided otherwise in this Charter, an ordinance shall be processed in the following manner;

A. *Introduction.* The proposed ordinance shall be given to the Township Manager and placed on the agenda of the Board for introduction and first consideration at the next meeting of the Board. A proposed ordinance not included in the agenda shall be given first consideration only with the consent of a majority of the total membership of the Board.

B. *Advance Advertisement.* If approved at first consideration by the Board, the Township Manager shall cause a concise summary of the proposed ordinance to be advertised at least once in one or more newspapers of general circulation in the Township, appearing at least seven days before the meeting at which the ordinance will receive further consideration by the Board. The summary shall contain sufficient information to identify the geographical area and/or nature of the ordinance as it would affect any residents or property owners in the Township and shall specify the date at which the Board proposes to act further on the ordinance.

C. *Adoption by the Board.* Provided the preceding procedures have been followed and persons interested have been given an opportunity to express their views at the meeting, the Board may adopt the ordinance as proposed or may postpone action until a later meeting, the date of which shall be stated at the advertised meeting. The Board may amend a proposed ordinance before the final adoption, but if an amendment makes any significant substantive change from the ordinance originally advertised, no final action may be taken until the amended ordinance has again been advertised in accordance with subsection B. Action on final adoption of an ordinance shall be taken only by an affirmative vote of a majority of the total membership of the Board.

Cross References

This section cited in 323 Pa. Code § 23.3-310 (relating to traffic ordinances).

§ 23.3-305. Effective Date.

Within ten days after final approval of an ordinance, the Township Manager shall cause the full text or summation thereof of any ordinance to be advertised in one or more newspapers of general circulation in the Township.

Cross References

This section cited in 323 Pa. Code § 23.3-310 (relating to traffic ordinances).

§ 23.3-306. Publication.

Except as specifically provided otherwise in this charter, an ordinance shall take effect ten days after publication following final adoption or such later date as the Board may prescribe.

Cross References

This section cited in 323 Pa. Code § 23.3-310 (relating to traffic ordinances).

§ 23.3-307. Recording.

The Township Manager shall cause the full text of any ordinance, with proof of publication, to be recorded in a Permanent record book within one month after its final adoption. The permanent record book shall be open and available for public inspection throughout normal office hours.

§ 23.3-308. Codification.

The Board shall provide for the maintenance of a general codification of all Township ordinances having the force and effect of law. The general codification shall be published in loose-leaf form and include this charter and the Administrative Code required by this charter. The compilation shall be known and cited as “The General Laws of the Township of Haverford” and copies shall be furnished to Township officers, placed in Haverford libraries and the Township office for free public reference, and shall be made available for purchase by the public at a reasonable price fixed by the Board. All amendments to the General Laws and all new ordinances shall be integrated in said compilation and distributed as aforesaid.

§ 23.3-309. Emergency Ordinances.

Notwithstanding any other provisions of this Article, the Board may, in the event of a substantial public emergency affecting the life, health, property, and peace of the citizens of Haverford, adopt one or more emergency ordinances. Emergency ordinances shall be introduced in the form required for ordinances and shall be so designated and shall clearly state the nature of the emergency in specific terms. No prior publication of an emergency ordinance shall be required, and an emergency ordinance may be introduced, adopted, and take effect immediately at any public meeting in which it is introduced. An emergency ordinance shall require the approval of a majority of the total members of the Board, except for emergencies at which it is impossible for the total membership to be present, in which case an emergency ordinance may be adopted by a two-thirds vote of the members present provided there is a quorum. Emergency ordinances shall not levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter. An emergency ordinance shall become effective immediately upon adoption and shall automatically stand repealed as of the thirty-first day following the date of its adoption, but may be re-enacted as provided herein if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. An emergency ordinance shall be advertised as soon as possible after the date at which it is enacted as shall any ordinance repealing an emergency ordinance.

§ 23.3-310. Traffic Ordinances.

A traffic ordinance may be introduced by any member of the Board of Commissioners at any legally advertised meeting of the Board. If it is approved at the first consideration, the Township Manager shall cause the proposed ordinance to be advertised, in full text or concise summary as described in § 23.3-304(b) of this Charter, in one or more newspapers of general circulation in the Township, appearing at least four days prior to the second consideration. Final adoption of the proposed ordinance shall be made in accordance with §§ 23.3-304(c), 23.3-305, and 23.3-306 of this Charter unless it is approved by a 2/3 vote of the total membership of the Board. A traffic ordinance so approved shall become effective immediately without further advertisement.

Source

The provisions of this § 23.3-310 adopted November 8, 1977, effective November 8, 1977.

ARTICLE IV. ELECTED AUDITOR

Sec.

23.4-401. Election.

23.4-402. Qualifications.

23.4-403. Vacancy.

23.4-404. Duties.

23.4-405. Compensation.

Cross References

This article cited in 323 Pa. Code § 23.11-1103 (relating to elected controller).

§ 23.4-401. Election.

An Auditor shall be elected from the Township at-large at the Municipal Election in 1977 and at four-year intervals thereafter. The Auditor shall serve for a four-year term beginning on the first Monday of January following the year in which he is elected. The procedure for the nomination and election of the Auditor shall be as provided in the election laws of the Commonwealth of Pennsylvania.

Cross References

This section cited in 323 Pa. Code § 23.11-1103 (relating to elected controller).

§ 23.4-402. Qualifications.

The Auditor shall be a registered elector of the Township and shall be qualified by education, training and experience in accounting or financial management to perform the duties of the office.

§ 23.4-403. Vacancy.

A vacancy in the position of Auditor shall be filled by appointment of a qualified person by the Chairman of the Board with the approval of a majority of the total membership of the Board. A person appointed to fill a vacancy shall serve for the balance of the unexpired term.

§ 23.4-404. Duties.

The Auditor shall make a monthly post-audit of the financial accounts and reports of the Township. If any errors or irregularities are discovered in the course of such review, the Auditor shall promptly report such matters to the Board at a public meeting. The Board shall take immediate action to correct the irregularity and initiate action to recover any loss to the Township which may result from such irregularity.

§ 23.4-405. Compensation.

The Auditor shall be compensated at a rate of \$2,400 per annum, provided that the Board may provide by ordinance for a different rate. No ordinance shall change the rate of compensation of an incumbent Auditor during the term for which he was elected.

ARTICLE V. TOWNSHIP MANAGER

Sec.

23.5-501. Appointment and Compensation.

23.5-502. Qualifications of Manager.

23.5-503. Removal from Office.

23.5-504. Powers and Duties.

23.5-505. Temporary Absence of Disability.

§ 23.5-501. Appointment and Compensation.

The Board, by a majority vote of its total membership shall appoint a Township Manager, hereinafter referred to as the Manager, who shall be a full-time employee to serve under terms established by the Board. The Board shall in the Administrative Code or other ordinance set the compensation of the Manager.

Cross References

This section cited in 323 Pa. Code § 23.5-503 (relating to removal from office).

§ 23.5-502. Qualifications of Manager.

The Manager shall be chosen solely on the basis of his executive and administrative training or experience with respect to the duties of the office set forth in this Charter. The Manager need not be a resident of the Township or of the State of Pennsylvania at the time of his appointment but as soon as possible thereafter,

and within one year, he shall become, and during his tenure shall remain, a resident of the Township unless otherwise specifically authorized by the Board.

§ 23.5-503. Removal from Office.

The Manager may be removed from office at any time by a majority vote of the total membership of the Board. Action to remove the Manager may be taken only by a resolution adopted at a public meeting of the Board, which shall set forth the effective date of such removal. The Board shall notify the Manager in writing of its intention to act on his removal at least five days prior to the date on which such action shall be considered. When a vacancy occurs in the office of Manager by reason of death, resignation, or removal, the Board shall appoint a qualified successor in accordance with § 23.5-501.

§ 23.5-504. Powers and Duties.

The Township Manager shall be the chief executive officer and Secretary of the Township and shall be responsible to the Board for executing all policies established by the Board and for the proper administration of all affairs of the Township placed in his charge.

In addition his powers and duties shall include, but not be limited to the following:

- A. Supervise and be responsible for the activities of all municipal departments and all Township employees except as otherwise provided by this charter.
- B. Appoint with the approval of a majority of the total membership of the Board all officers and department heads except Solicitor and members of boards and commissions.
- C. Approve the hiring, and when necessary suspend or discharge any or all employees under his supervision except for department heads or other officers which are appointed by or with the approval of the Board. Department heads and other officers appointed by the Manager may be suspended or discharged with the approval of a majority of the total members of the Board.
- D. Prepare and submit to the Board the proposed budgets of the Township as required by this charter and be responsible for administration of the budgets and all other ordinances and solutions adopted by the Board.
- E. Keep the Board fully informed as to the conduct of Township affairs; submit periodic reports on Township finances and administrative matters, and such other reports as the Board may prescribe; prepare an annual report to the Board which shall be available to the public; and make such recommendations to the Board as he deems necessary on matters affecting the health, safety, welfare and administration of the Township.
- F. Exercise any additional powers and duties conferred upon him by this charter, general laws, or by ordinance or resolution of the Board.

§ 23.5-505. Temporary Absence or Disability.

The Manager shall designate in writing a qualified member of the administrative staff of the Township to serve as acting Manager during the temporary absence or disability of the Manager. The Board by a majority vote of its total members may at any time revoke such designation and appoint a qualified employee of the Township to serve as acting Manager during such temporary absence or disability of the Manager.

ARTICLE VI. TOWNSHIP ADMINISTRATION

Sec.

- 23.6-601. General Provisions.
- 23.6-602. Administrative Code.
- 23.6-603. Department Heads and Other Officers.
- 23.6-604. Boards and Commissions.
- 23.6-605. Personnel Administration.
- 23.6-606. Temporary Absence or Disability.
- 23.6-607. Compensation.
- 23.6-608. Township Solicitor.
- 23.6-609. Township Engineer.
- 23.6-610. Director of Finance.

§ 23.6-601. General Provisions.

The Board shall, by ordinance, create, alter, or abolish and prescribe the functions of the Township departments, agencies, and offices, not inconsistent with general law or this charter.

§ 23.6-602. Administrative Code.

The Board shall, by ordinance, adopt an Administrative Code which shall provide for the administrative organization of the Township government, the assignment of duties and responsibilities to officers and employees, and the procedural requirements set forth in the general laws or in this Charter. All changes in organization and procedures set forth in the Administrative Code shall be effected by amendment to the Administrative Code in the same manner as other ordinances are enacted and amended.

§ 23.6-603. Department Heads and Other Officers.

The heads of all departments and all other officers not otherwise provided for in this Charter shall be appointed by the Manager with the approval of a majority of the total membership of the Board. Department heads shall appoint the subordinate employees with the approval of the Manager under the personnel rules and regulations established by the Administrative Code or other ordinance in accordance with the Charter.

§ 23.6-604. Boards and Commissions.

The Board may create, modify, or abolish boards, commissions, authorities, or other agencies and special committees of the Township government if not inconsistent with general law or this Charter. The Board shall appoint by a majority vote of its total membership, subject to § 23.2-205, the members of such agencies if not otherwise provided by general law.

Cross References

This section cited in 323 Pa. Code § 23.11-1105 (relating to departments, offices, boards, commissions, and agencies).

§ 23.6-605. Personnel Administration.

The Board shall adopt in the Administrative Code or other ordinance a comprehensive system of personnel administration based on merit principles, which shall include, but not be limited to, provisions for:

- A. The classification of all Township positions, based on duties, authority or responsibility of each position with provision for reclassification of any position whenever circumstances require;
- B. A pay plan for all Township positions;
- C. Methods for determining the merit and fitness of candidates for appointment or promotion;
- D. Policies and procedures regulating reduction in force, disciplinary action, and suspension and removal of employees;
- E. Hours of work and provisions for sick and vacation leave and holidays, overtime, compensatory time off and/or compensation for same;
- F. Grievance procedures, including those for hearing of grievances;
- G. Other practices and procedures necessary to the administration of the Township personnel system.

Cross References

This section cited in 323 Pa. Code § 23.6-607 (relating to compensation); and 323 Pa. Code § 23.11-1104 (relating to rights and privileges preserved).

§ 23.6-606. Temporary Absence or Disability.

Each department head may designate, with the approval of the Manager, an employee of the department to serve as acting head of the department during the temporary absence or disability of the department head. In the absence of such designation, the Manager shall designate an acting department head.

§ 23.6-607. Compensation.

The compensation of all officers and department heads, if not otherwise provided for in this Charter, shall be set by the Board in the Administrative Code or other ordinance, and may be changed from time to time by amendment of same.

at the discretion of the Board. Compensation of employees other than officers and department heads shall be in accordance with the pay plan established under § 23.6-605 of this Charter.

§ 23.6-608. Township Solicitor.

The Board, by a majority vote of its total membership, shall appoint a Township Solicitor who shall serve at the pleasure of the Board with compensation to be set by the Board. The solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor shall serve as the legal counsel of the Township government, including the Board, the Manager, and other officers, departments, and agencies of the Township government except as may otherwise be required by law. The Solicitor shall represent the Township in all legal proceedings and shall perform such duties as prescribed by law, by this Charter, or action of the Board. It is the intent of this Charter that only one person shall be the legal advisor of the Township except as may be otherwise required by law. The Board may authorize temporary assistants for special purposes from time to time.

§ 23.6-609. Township Engineer.

The Manager, with the approval of the majority of the total membership of the Board, shall appoint and fix the compensation of a Township Engineer, who shall be a professional civil engineer registered in Pennsylvania, or an engineering firm similarly registered. The Township engineer or engineering firm shall perform the duties required by the Board through the Administrative Code or other action, or as may be required of Township Engineers by general law.

§ 23.6-610. Director of Finance.

The Manager, with the approval of the majority of the total membership of the Board, shall appoint a Director of Finance, who shall be qualified by education and/or experience in accounting or financial management, to supervise, in cooperation with the Manager, the financial administration of the Township and perform such duties as prescribed for such officer in this Charter, in the Administrative Code, other ordinance, or as the Board may require.

ARTICLE VII. FINANCIAL ADMINISTRATION

Sec.

23.7-701. Fiscal Year.

23.7-702. Classification of Accounts.

23.7-703. Financial Projections.

23.7-704. Operating Budget.

23.7-705. Capital Program and Capital Budget.

23.7-706. Receipts.

23.7-707. Contracts.

- 23.7-708. Disbursements.
- 23.7-709. Records and Reports.
- 23.7-710. Independent Audit.
- 23.7-711. Bonding of Officers and Employees.
- 23.7-712. Limitations on Taxes.
- 23.7-713. Limitations on Debt.

§ 23.7-701. Fiscal Year.

The fiscal year of the Township shall be the calendar year. However, after 1977, if not prohibited by law, the Board may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

§ 23.7-702. Classification of Accounts.

The Board shall adopt in the Administrative Code a uniform classification of accounts and codes to be used and followed in all financial plans, budgets, and financial reports.

§ 23.7-703. Financial Projections.

The Mayor shall, at the time of submitting the proposed annual budgets to the Board, submit as an annex to budgets tentative financial projections for a period of at least three additional years, such projections beyond the year budgeted to be advisory only for the purpose of long range planning. The projections shall deal with operations, capital programs, and a schedule for the amortization of all existing debt through a time period covering the latest final maturity of any issue, and the amortization schedule for any proposed new debt to finance capital improvements, showing both separately and inclusively for each item of debt the payments for principal and interest.

Cross References

This section cited in 323 Pa. Code § 23.7-704 (relating to operating budget).

§ 23.7-704. Operating Budget.

At least sixty days before the end of the fiscal year, the Manager shall prepare and submit to the Board a proposed operating budget for the ensuing fiscal year. The following procedures shall govern the presentation, adoption and execution of the operating budget.

A. *Budget Form.* The operating budget shall be submitted in the form required by the Board, which shall include, in addition to the major classification of appropriations by which expenditures are to be allocated and controlled, a detailed analysis of the various items of revenue and expense. All appropriations shall be made in lump sum amounts and according to the following classes of expenditure for each office, department, major operating unit, board or commission.

1. Personal Services.
2. Contractual services.
3. Materials, supplies, and equipment.
4. Debt service.
5. Capital expenditures.
6. Such additional classes as the Board may prescribe.

B. *Budget Content.* The operating budget shall show individually for each fund and in total, netting out inter-fund transfers, the anticipated revenues and expenditures of the Township government. In addition to anticipated revenues and expenditures, the budget document shall include for each item the estimated revenues and expenditures of the fiscal year currently ending, and the actual receipts and expenditures of the last completed year. The budget shall also show the estimated balance of each fund at the close of the fiscal year currently ending, and any surplus or deficit to be included in financing the proposed budget.

C. *Budget Message.* The Manager shall include with the proposed budget a statement explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed fiscal policies for the ensuing fiscal year, any changes in policies or programs, and reasons for changes which affect the level of revenues and expenditures.

D. *Balanced Budget.* The budget proposed by the Manager, and the budget subsequently adopted by the Board, shall be balanced so that appropriations shall not exceed the estimated revenues and available surplus. In making revenue estimates the Manager shall show the amounts anticipated from existing taxes and service charges at existing rates, and separately the increase or decrease to result from any proposed changes in rates.

E. *Board Review.* On or before thirty (30) days prior to the end of the fiscal year, the Board shall complete its review of the proposed budget, make such adjustments as it deems necessary, and adopt a preliminary budget.

F. *Advertising and Public Hearing.* No later than ten days following the adoption of the preliminary budget by the Board, the Manager shall cause to be published in one or more newspapers of general circulation in the Township a summary of the budget and notice of the date, time, and place at which the Board shall hold a public meeting on the proposed budget, which shall take place at any regular or special meeting of the Board at least seven days after advertisement, and at least twenty days prior to the end of the fiscal year. The preliminary budget shall be available for public inspection at the Township office and copies, including the financial projections required in § 23.7-703, shall be available for the public to have without charge or at a reasonable fee to be set by the Board.

G. *Budget Adoption.* Following advertising and public hearing, at which interested citizens shall have the right to express their views on the budget, the Board, by a majority vote of its total membership, shall adopt a final budget

with such amendments as the Board considers advisable. The budget shall be adopted by ordinance which shall be effective as of the start of the fiscal year. The provisions of Article III of this Charter shall not apply to ordinances adopting and amending proposed budgets. Should the Board, for any reason, fail to adopt a budget before the start of the fiscal year, the appropriations of the preceding year, pro-rated on a month to month basis, shall be considered to be adopted temporarily pending adoption of a final budget.

H. *Levy of Taxes.* At the time of adopting the annual budgets, the Board shall simultaneously levy sufficient taxes from authorized sources which, with other revenues and available receipts and balances will provide for a balanced budget.

I. *Revised Budget.* Notwithstanding any other provisions of this Article, when the fiscal year of the Township is the calendar year, in any year following a municipal election year the Board may, within forty-five days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Board. The procedures for adopting a revised budget shall be in accordance with subsections F, G, and H, above, with the time periods adjusted to forty-five days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget that a new Board, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Board.

J. *Budget Execution.* The Director of Finance shall cause the appropriations voted by the Board to be entered in the accounting records of the Township and shall approve no contract or expenditure which would exceed the unencumbered balance of appropriations in any account. The Board may at any time amend the operating budget, but changes in appropriations, either increases or decreases, shall be made only pursuant to an ordinance authorizing such changes. Supplemental appropriations may be made by the Board in the event that revenues are found and certified by the Manager to exceed estimates in the budget. If revenues are found and certified by the Manager to fall short of estimates in the budget, the Manager shall recommend reductions in appropriations to off-set the deficiency in revenues, and the Board shall make necessary adjustments in appropriations to maintain a balanced budget. All unexpended appropriations shall lapse at the end of the fiscal year.

K. *Emergency Appropriations.* In the event of a genuine emergency, unanticipated at the time the operating budget was adopted, the Board may make appropriations to meet the emergency. To the extent that there are no available unappropriated revenues to meet the emergency, the Board may authorize the issuance of temporary notes which shall constitute unfunded debt to be funded and repaid in accordance with the Local Government Unit Debt Act (Act 185 of 1972). Operating expenses shall neither be appropriated nor paid out of loan funds except to meet genuine emergencies.

Source

The provisions of this § 23.7-704 amended May 17, 1977, effective May 17, 1977.

§ 23.7-705. Capital Program and Capital Budget.

At the time the Manager submits his proposed operating budget to the Board, he shall also submit to the Board a proposed capital program incorporating a listing of the capital projects and the amounts required to be appropriated for each, covering a period of three or more years, the first year of which shall be in detail and constitute the capital budget for the next fiscal year. The capital program shall set forth all proposed capital improvements, identified by project, the year at which acquisition or construction is to be scheduled, the means by which the capital program is to be financed, the effect of any proposed capital expenditures of future operating expenses, and the effect of any proposed new indebtedness on the amortization schedule of existing debt and debt limits.

The capital program and the capital budget shall be adopted by the Board only after advertisement and public hearing in the same manner as provided for the adoption of the operating budget. The capital budget may be financed from appropriations of current revenues or monies borrowed as authorized by law or by this charter. The Director of Finance shall control expenditures in the capital budget in the same manner as provided for the operating budget. The Board may amend the capital budget at any time, but before doing so must amend the capital program.

All appropriations for the capital budget shall lapse at the end of the fiscal year, but sufficient amounts to complete projects in progress may be appropriated in the budget for the year following.

§ 23.7-706. Receipts.

The Board shall, in the Administrative Code, provide procedures for the receipt, deposit and accounting for all monies due and received by the Township. Such procedures shall be assigned to the Director of Finance or employees under the supervision of the Director of Finance. The Manager, with the approval of the Board, shall designate the depositories for Township receipts.

§ 23.7-707. Contracts.

The Manager may make contracts for lawful purposes, subject to general law or this charter. No contract shall be made or obligation incurred unless the Director of Finance shall certify that there is a sufficient unencumbered balance in an appropriation and that sufficient monies therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any officer authorizing any contract to be made in violation of this provision shall be subject to removal from office and liable to the Township or its surety for any loss incurred as a result of such action. The Board shall provide in the Adminis-

trative Code the procedures for letting contracts which shall not be inconsistent with general law or this charter, and shall include as a minimum the following provisions:

A. *Written Contracts.* All contracts of the Township involving sums in excess of an amount specified by the Board by ordinance shall be in writing. The Manager shall execute all contracts on behalf of the Township. Authorization for contracts for the purchase, sale, lease or use of real estate, or for the construction of public capital improvements shall be given by ordinance and such contracts shall be signed by the President of the Board as well as the Manager. Any officer authorized to execute a written contract shall submit the form of contract to the Township Solicitor for approval before executing the contract.

B. *Competitive Bidding.* The Board shall, by ordinance, establish a procedure for competitive bidding to include definitions of amounts, publication and notice requirements, deposit and bond requirements, condition, terms, rules, regulations, waiver and exceptions, as it shall from time to time deem advisable and in accordance with general law and this charter. Both single-contract and separate-contract procedures may be used at the discretion of the Board when not constrained by uniform state law. Competitive bidding shall not be required for:

1. Labor or services rendered by any Township officer or employee;
2. Contracts for labor, material, supplies or services aggregating less than the amount specified by the Board, by ordinance, for the item in the year supplied;
3. Contracts relating to the acquisition or use of real property;
4. Contracts for professional or unique services or supplies;
5. Contracts for insurance and surety company bonds, except that the use of competitive bidding for such items shall be encouraged where practicable;
6. Contracts for emergency repairs; and
7. Contracts with other governmental entities, authorities, agencies or political subdivisions.

C. *Lowest Bidder.* Except as otherwise provided in this charter, no contract for materials, supplies, labor, franchise, or other valuable consideration, to be furnished to or by the Township, shall be authorized on behalf of the Township except with the lowest responsible bidder after competitive bidding.

D. *Piecemeal Evasion Prohibited.* No person shall evade the provisions of this section of the charter by purchasing or contracting for materials, supplies or services piecemeal which transactions would, in the exercise of reasonable discretion and prudence, be considered as one transaction amounting to more than the amount specified by the Board.

E. *Limit on Terms.* The terms of contracts for the purchase of materials and supplies shall not exceed two years.

§ 23.7-708. Disbursements.

The Director of Finance shall authorize disbursement of Township monies only after determining that all goods and services contracted for, have actually been received or performed. The Board shall provide in the Administrative Code for procedures for the signing and countersigning of all checks, drafts, or other orders of payment by two persons, one of whom shall be the Director of Finance or other employee under his direction as shall be prescribed in the Administrative Code.

§ 23.7-709. Records and Reports.

The Director of Finance shall:

A. Provide for the recording of all financial transactions and related activities of the Township in terms of dollars and other appropriate units of measurement, in accordance with the form and procedures prescribed by the Board in the Administrative Code, and as shall be directed by the Manager, in order that required reports and analyses may be produced for the proper management and control of such activities.

B. Prepare periodic financial reports, at least monthly, and at such other times as the Manager may direct, and at the end of each fiscal year prepare an annual financial report. The monthly reports to the Manager shall be submitted to the Board at its regular monthly meetings and made available to the public.

C. Provide for the preservation of official financial records, which shall be kept at the Township office and shall be available for public inspection during regular office hours.

§ 23.7-710. Independent Audit.

The Board shall provide for an independent annual audit of Township receipts, expenditures, accounts and reports by a Pennsylvania Certified Public Accountant or a Certified Public Accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the Township or any of its elected or appointed personnel. The Board may provide for more frequent audits at its discretion. The results of the annual audit and a financial statement of the fiscal affairs of the Township, with the results of the independent auditor's survey of internal control and any recommendations thereon, shall be included in the annual report of the Manager. A summary of the annual audit of the independent auditor, including any recommendations made with respect to the survey of internal control, shall be published at least once in one or more newspapers of general circulation in the Township within sixty days after the close of the fiscal year. The annual audit shall be conducted in accordance with generally accepted auditing standards. The financial report shall be prepared in accordance with generally accepted accounting principles.

§ 23.7-711. Bonding of Officers and Employees.

The Board shall provide in the Administrative Code for the bonding of all officers and employees who are responsible for the handling and/or authorization of receipts, disbursements, materials, or supplies. All such bonding shall be approved by the Township Solicitor for form and sufficiency. The premium for such bonding shall be paid by the Township.

§ 23.7-712. Limitations on Taxes.

The Township shall be limited in sources and rates of taxation by general laws applicable to municipalities governed by a home rule charter. Until such time as the General Assembly shall provide tax rate limits which apply to a municipality governed by a home rule charter, the Township shall continue to be limited to the rates which apply to Pennsylvania townships of the First Class generally, except that taxes levied for a special purpose other than for debt service need not be accounted for in special funds.

§ 23.7-713. Limitations on Debt.

The borrowing of money by the Township shall continue to be limited in amounts and governed by procedures in the Local Government Unit Debt Act (Act 185 of 1972) as amended, or other laws of the General Assembly of the Commonwealth of Pennsylvania.

ARTICLE VIII. PROHIBITIONS AND CONFLICT OF INTEREST

Sec.

23.8-801. Prohibited Activities.

23.8-802. Conflict of Interest.

23.8-803. Violation.

§ 23.8-801. Prohibited Activities.

The following activities shall be prohibited in the operation of the Township government.

A. *Discrimination.* No person shall be favored or discriminated against in his employment by the Township in any capacity, appointment to any board, commission or agency, or removal therefrom, because of race, national origin, sex, age, political or religious opinions or affiliations.

B. *Improper Gifts.* No person who seeks appointment to any Township office, board, commission, or agency, shall directly or indirectly give or pay money, service, or other consideration to any person in connection with such appointment.

C. *Gifts to the Township.* No gift of real estate, or any interest in real estate, to the Township may be accepted without specific approval of the Board.

Cross References

This section cited in 323 Pa. Code § 23.8-803 (relating to violation).

§ 23.8-802. Conflict of Interest.

The following shall constitute a conflict of interest and prohibited and punishable as provided herein:

A. *Improper Advantage.* No elected or appointed official of the Township government shall:

1. Engage in any activity or take any action by virtue of his official position from which activity or action the official, or any other person or entity in whose welfare the official is interested, shall benefit or realize a gain or advantage. Such benefit, gain or advantage shall not be construed to be prohibited if the action in question is in behalf of a group of citizens of the Township and such benefit and relationship is generally known and acknowledged.

2. Solicit or accept, directly or indirectly, any gift, favor, service, commission or other compensation or consideration that might reasonably tend to influence that official in the discharge of the duties of his office.

3. Seek to influence, directly or indirectly, the awarding of any contract where such official, or other person or entity in whose welfare the official is interested, would benefit directly, financially or otherwise, from said contract. Such action is not intended to apply to actions of a Commissioner on behalf of a group or class of citizens of the Township who would benefit from the material or services furnished under the contract, and such benefit is generally known and acknowledged.

B. *Disqualification from Action.* Any elected or appointed official of the Township, or employee thereof, having any direct or indirect financial interest with any person or other entity proposing to contract with the Township for the purchase or sale of land, materials, supplies or services of any kind, whether that interest be as an employee, a party, a partner, or a stockholder, shall fully disclose said interest and, except where stock holdings in a public corporation shall be minimal, shall not participate in the discussion of said contract or vote on said contract. Violation of this section shall render the contract voidable.

Cross References

This section cited in 323 Pa. Code § 23.8-803 (relating to violation).

§ 23.8-803. Violation.

Any person who violates §§ 23.3-801 and 23.3-802 of this Article shall not be qualified to hold appointed office or employment in the Township government, and upon conviction may be subject to such fine as may be provided by the Board or by general law. Willful violation of the provisions of §§ 23.3-801 and 23.3-802 of this Article shall constitute malfeasance in office, which, except as other-

wise may be provided by general law, shall be a summary offense punishable by the maximum fine and/or imprisonment established by general law. Conviction shall result in forfeiture of office or termination of employment, and any person so convicted shall thereafter be ineligible to hold office or be employed in the Township government.

ARTICLE IX. CITIZEN PARTICIPATION

Sec.

23.9-901. General Provisions.

23.9-902. Participation Encouraged.

23.9-903. Recall of Elected Officials.

§ 23.9-901. General Provisions.

The Board shall protect and promote the right of the citizens of Haverford Township to participate in a positive and constructive manner in the government of the Township. Any qualified citizen of the Township may participate in the government of the Township by:

- A. Seeking elective office of the Township as prescribed by this Charter and voting for candidates for elective office;
- B. Serving on boards, commissions, authorities or other agencies of the Township government when requested by the appropriate officials;
- C. Attending and being heard at public meetings of the Board, and other boards, commissions, authorities or other agencies of the Township government.
- D. Addressing suggestions to the Board and others to provide guidance for their actions;
- E. Exercising the right of Recall of elected officials as provided in this Charter or as otherwise may be provided by law.

§ 23.9-902. Participation Encouraged.

The Board shall make every effort to appoint qualified citizens of the Township to boards, commissions, authorities or other agencies of the Township government in order that the greatest possible use be made of the talents and interests of Township citizens in promoting the public interest and welfare of Haverford Township.

§ 23.9-903. Recall of Elected Officials.

Any person holding an elective office in the government of Haverford Township, whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this Charter or as may otherwise be required by general law. Officers elected from the Township at-large may be removed only by petition and referendum of voters of

the Township-at-large. Commissioners elected by Wards shall be subject to removal by petition and referendum only of voters of the Wards they represent.

A. *Recall Petition.* A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty percent of the registered electors voting at the last gubernatorial election in the Township in case of an official elected at-large or in the respective Ward in the case of a Commissioner elected from a Ward. Every recall petition shall name the office and officer against whom it is directed. Each elector signing a recall petition shall add to his signature his residence, his election ward, and the date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet and registered electors of Haverford Township, and in the case of a petition applying to a Commissioner elected from a ward are registered electors of the ward served by the Commissioner whose recall is sought, and that the petition was signed with full knowledge of the contents and purpose of the petition and that the residences are correctly given.

B. *Filing of Petition.* A recall petition shall be tendered for filing to the election officers of Delaware County. No signature shall be counted as valid which is dated more than sixty days prior to the date the petition is tendered for filing. Upon tender to the election officers, the petition shall be available for examination by any interested person. Within fifteen days after tender of the petition, the election officers shall have authority to pass upon the validity of the petition and the validity and number of signatures required thereon. The decision of the election officers shall be subject to immediate review on appeal to the Court of Common Pleas.

C. *Notice to Incumbent.* As soon as the election officers have received a recall petition for filing and determined its validity and sufficiency, the appropriate officer shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

D. *Recall Election.* If the incumbent against whom a recall petition is directed does not resign from his office within ten days after notice of filing of such petition shall have been given to him, the election officers shall arrange a recall election. The recall election shall be held at a special election conducted at the first regularly scheduled election, municipal, general, or primary, which shall occur not less than forty days after the incumbent has been notified as provided above. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election for this purpose shall not be held.

E. *Recall Question.* The following question shall be presented to each elector entitled to vote on the recall question:

"Shall (name of officer) be recalled and removed from the office of (name of office)?"

The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "Yes" or "No" to the question.

F. *Results of Election.* If a majority of the registered electors who vote on the question at a recall election shall vote "Yes" the incumbent shall be deemed recalled and removed from office, but if a majority of such registered electors shall vote "No" he shall remain in office. Should the result of such election be affirmative, the date of the removal and vacancy in the office shall be effective seven days after the date when the results of the election are certified by the county election officers, unless such date is further postponed by order of a court.

G. *Filling of Vacancy.* The filling of a vacancy created by the recall of an elected official shall be in accordance with the provisions of this Charter with respect to filling vacancies in the office involved.

H. *Disqualification for Office.* No person who has been removed from an elective office by a recall petition or who has resigned from such an elective office after a recall petition directed to him has been filed, shall be eligible for election or appointment to any office of the Township government within two years after his removal or resignation.

I. *Limitations.* No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of office or within nine months after an unsuccessful recall election against him, and no officer who has been re-elected for a successive term shall be subject to recall during the first year of such term.

ARTICLE X. GENERAL PROVISIONS

Sec.

23.10-1001. Effective Date.

23.10-1002. Gender.

23.10-1003. Amendment.

23.10-1004. Severability.

§ 23.10-1001. Effective Date.

This Charter shall become effective on January 3, 1977 except for the transitional provisions of Article XI of this Charter which shall become effective upon certification of the adoption of the Charter.

§ 23.10-1002. Gender.

At all places in this Charter, words used in the masculine gender shall include the feminine.

§ 23.10-1003. Amendment.

Amendments to this Charter may be made in accordance with the provisions of Act 62 of 1972 of the General Assembly of Pennsylvania, as amended, or as otherwise may be provided by law.

§ 23.10-1004. Severability.

If any provision of this Charter is held invalid, the remaining provisions of the Charter will not be affected thereby. If the application of the Charter or any of its provisions to any persons or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XI. TRANSITIONAL PROVISIONS

Sec.

- 23.11-1101. Commissioners.
- 23.11-1102. Elected Treasurer.
- 23.11-1103. Elected Controller.
- 23.11-1104. Rights and Privileges Preserved.
- 23.11-1105. Departments, Offices, Boards, Commissions, and Agencies.
- 23.11-1106. Pending Matters.
- 23.11-1107. Transition Committee.
- 23.11-1108. Budgets for Calendar Year 1977.

Cross References

This article cited in 323 Pa. Code § 23.10-1001 (relating to effective date).

§ 23.11-1101. Commissioners.

Commissioners in office on the day before this Charter becomes effective shall continue in office for the remainder of the term to which they were elected. On the effective date of this Charter, they will assume the functions and duties of Commissioners as set forth in the Charter and be compensated as provided therein.

§ 23.11-1102. Elected Treasurer.

The elected Treasurer in office on the day before this Charter becomes effective shall continue in office for the remainder of the term to which elected and shall continue to perform the functions performed by his office as provided by law. Should the Treasurer die, resign, or otherwise be removed from office prior to the expiration of his term after the effective date of this Charter, no successor shall be appointed or elected and the functions of the office at that time, or at the expiration of the term should such officer complete his term, shall be assigned to the Director of Finance as provided for in the Administrative Code.

§ 23.11-1103. Elected Controller.

The elected Controller in office on the day before this Charter becomes effective shall continue in office for the remainder of the term to which elected and shall continue to perform the functions of his office as provided by law. Should the Controller die, resign, or otherwise be removed from office prior to the expiration of his term after the effective date of this Charter, no successor shall be appointed or elected, and the Board shall make an interim appointment of an Auditor as provided in Article IV of this Charter to carry out the duties assigned therein to the elected Auditor and to serve until the office is assumed by the Auditor elected in accordance with § 23.4-401 of this Charter.

§ 23.11-1104. Rights and Privileges Preserved.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights and privileges of persons who are officers and employees of the Township at the time of adoption of this Charter. An employee holding a position in the Township government at the time this Charter takes effect, and who was serving in the same or similar position at the time of adoption of this Charter, shall not be subject to competitive tests as a condition of continuation in the same or similar position, but in all other respects shall be subject to the personnel system set forth in § 23.6-605 of this Charter and the Administrative Code.

§ 23.11-1105. Departments, Offices, Boards, Commissions, and Agencies.

The organization of the Township government under this Charter after the third day of January 1977 shall be as set forth in the Administrative Code required by this Charter. However, nothing in this section shall be construed to abolish the office or terminate the terms of any officer or employee protected by a tenure of office law of collective bargaining agreement, and it is the intent of this Charter that qualified officers and employees be reappointed to the same or similar positions in the organization to be set forth in the Administrative Code. All appointed members of boards, commissions, authorities, or other agencies shall continue in office with the same or similar bodies for the remainder of the term of their original appointment. However, nothing in this section shall limit the right of the Board to create, modify or abolish boards, commissions, authorities or other agencies as provided in § 23.6-604 of this Charter.

§ 23.11-1106. Pending Matters.

All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of this Charter shall be maintained, carried on or dealt with by the Township officer, department or other agency appropriate under this Charter.

§ 23.11-1107. Transition Committee.

In order to establish an orderly procedure for transition to the new form of government provided by this Charter, and to ensure that all necessary action is taken to make this Charter fully effective on its effective date, the Board shall within fifty days after adoption of this Charter appoint a Transition Committee comprised of such members of the Board, the Government Study Commission, administrative staff of the Township, and such representatives of civic agencies as the Board shall select to draft the necessary rules, regulations and ordinances as set forth below.

Not less than forty-five days prior to the effective date of the Charter, the Commissioners shall meet with the Transition Committee to review and prepare the final draft of the necessary ordinances and any other appropriate ordinances to implement this Charter.

The proposed ordinances shall be advertised at least once in one or more newspapers of general circulation in the Township at least seven days before the organizational meeting of the new Board on the third day of January 1977. At the organizational meeting, the new Board shall adopt the Administrative Code, personnel rules and regulations, classification of accounts, provision for bonding of officers and employees, such provisions to become effective on the effective date of this Charter, together with such other ordinances, rules and regulations as proposed by the Transition Committee and accepted by the Board.

§ 23.11-1108. Budgets for Calendar Year 1977.

The Board in office in 1976 shall cause the budgets for 1977 to be set up in accordance with the organizational structure and uniform classification of accounts and accounting codes to be followed under this Charter. The Transition Committee may assist the Board in 1976 in preparing the budgets for 1977.

[Next page is 25-1.]