## Chapter 1C. Charter

### Article I. Name and Purpose

#### §101. Name.

The Township of Tredyffrin shall continue as a municipal corporation under the name "Township of Tredyffrin."

#### §102. General powers.

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

#### §103. Continuation.

All powers and functions contained in any and all ordinances and resolutions which are in force on the effective date of this Charter, and not inconsistent herewith, shall continue in force until amended or repealed.

#### §104. Interpretation.

The powers of the township shall be liberally construed in favor of the township in order to provide the township with the greatest possible power of self-government.

#### §105. Powers vested in the Board of Supervisors.

All powers of the township, now in existence or conferred on the township by the Constitution of the Commonwealth of Pennsylvania or the laws of the Commonwealth of Pennsylvania, shall be exclusively vested in and exercised by the Board of Supervisors, except as otherwise provided for in this Charter.

### Article II. Township Board of Supervisors

#### §201. Composition.

The Township Board of Supervisors (hereinafter referred to also as "the Board") shall consist of seven Supervisors, of whom three shall be elected from districts and four shall be elected from the township at large.

#### §202. Term of office.

Supervisors shall serve four-year terms beginning on the first Monday of January following the year in which they are elected., ~~except for the first Board to serve under this Charter, the members~~

~~of which will serve for staggered terms as provided in §1201 of this Charter.~~ If the first Monday is a legal holiday, said terms shall begin the first day following which is not a legal holiday.

Commented [PM1]: Section 1201 was deleted as it pertained to Transitional Provisions when originally adopted.

**§203. Qualifications.**

A Supervisor shall be a citizen of the United States, a resident of the township (and in the case of a District Supervisor, a resident of the district ~~he~~ that person represents), a qualified elector of the township at the time of ~~his~~ the person's nomination and not otherwise disqualified from office by the terms of this Charter of by the laws of the Commonwealth of Pennsylvania.

**§204. Election.**

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

**§205. Vacancies.**

A. The office of a Supervisor shall become vacant upon death, resignation, removal of place of residence from the township (or, in the case of a District Supervisor, from a district represented), legal certification of mental disability or forfeiture of office as authorized by law or by this Charter.

B. The office of a Supervisor shall be forfeited if ~~he~~ the person is declared by any court of ~~this~~the ~~commonwealth~~ Commonwealth of Pennsylvania to lack any qualifications for the office as prescribed by law or is convicted of any crime classified as a misdemeanor of the second degree or higher under the laws of ~~this~~the ~~c~~Commonwealth of Pennsylvania or is convicted of any comparable crime under the laws of any state, federal district, or territory or of the United States.

C. Whenever a vacancy exists in the office of Supervisor, the vacancy shall be filled under the following procedures:

(1) At the next election, primary, municipal or general, which takes place 60 days or more after such vacancy occurs, a special election to fill the vacancy for the balance of the unexpired term will be held. The special election shall be conducted in accordance with the election laws of ~~this~~the ~~commonwealth~~Commonwealth of Pennsylvania. The person elected to fill the vacancy shall assume the office on the day following certification of the election results.

(2) The Board shall, at its first regular or special public meeting after the vacancy occurs, give notice that a vacancy exists and shall state that it will make an interim appointment to fill the vacancy at its next public meeting which occurs not less than 30 days from the meeting at which the vacancy is announced. Following such notice, the Board by a majority vote of its remaining membership shall appoint a qualified elector of the township, and in the case of a vacancy in the office of District Supervisor, a qualified elector of the district in which the vacancy exists, to fill the vacancy until a duly elected successor is sworn into office.

(3) If the Board shall fail to fill a vacancy within 60 days after the vacancy occurs, the Court of Common Pleas of Chester County, upon petition of any individual Supervisor or upon petition of 10 or more ~~qualified electors~~registered voters of the township, shall make the interim appointment to fill the vacancy until a duly elected successor is sworn into office.

(4) In the event that sufficient vacancies exist so that the Board lacks a quorum necessary to do business, the remaining members of the Board shall immediately make an interim appointment or appointments to fill sufficient vacancies in the position of Supervisor from the township at large to form a quorum. Thereafter, the remaining vacancies shall be filled as otherwise provided herein.

(5) In the event that all of the positions on the Board should become vacant, the Court of Common Pleas shall immediately, upon petition of 10 or more registered voters of the township, make interim appointments to fill the offices of Supervisor from the township at large. Thereafter, the remaining vacancies shall be filled as otherwise provided herein.

**§206. Districts.**

Districts 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 the Census. No district shall vary by more than 15% from the average of all districts at the time of establishments or reapportionment.

**§207. Establishment of districts.**

The establishment of the first districts, three in number to be known as the "First, Second and Third Districts," shall be by the Court of Common Pleas as provided by law. Reapportionment of Supervisors to districts thereafter shall be made by ordinance of the Board in the following circumstance:

A. Within the year following the year in which the decennial United States Census reports are officially certified, the Board shall reapportion the districts in accordance with this Charter. If in any such reapportionment an existing Supervisor is removed from ~~his~~their district, ~~he~~ said Supervisor shall continue to represent said district until the end of ~~his~~their term.

**§208. Compensation of Supervisors.**

A. Supervisors shall receive compensation at the rate of $~~1,500~~3,000 per annum for the performance of their duties~~ during the first four years that this Charter is in effect; thereafter, t~~The Board may, by ordinance, change the compensation for Supervisors, provided that such change of compensation shall not take effect until the expiration of the term of office of all incumbent Supervisors at the time the change is enacted.

**Commented [PM2]:** Supervisor compensation was updated to $3,000 per year by Ordinance HR-95 adopted in 1985.

B. Supervisors shall receive no other compensation, direct or indirect, for the performance of their duties, and shall not be eligible for any township pensions or other fringe

benefits. However, Supervisors shall be entitled to actual expenses incurred in the performance of their duties as shall be established in the Administrative Code or other ordinance.

**§209. Board organization.**

A. The Board of Supervisors shall organize on the first Monday of January of each year by electing one of their members as Chair~~man~~ and one of their members as Vice Chair~~man~~, who shall hold such office at the pleasure of the Board. If the first Monday is a legal holiday, the organization meeting shall be held the first day following which is not a legal holiday.

B. The Chair~~man~~ or, in the Chair~~man~~'s absence, the Vice Chair~~man~~, 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.

**§210. Board meetings and procedures.**

A. The Board shall meet regularly at least once in every month at such time and place as the Board may prescribe by ordinance or resolution. At its first meeting each year, the Board shall prescribe and advertise the calendar of regular monthly meetings for the remainder of the year.

B. Special meetings may be held on the call of the Chair~~man~~, or of a majority of Supervisors, by providing notice to each Supervisor at least twenty-four hours in advance of such special meeting, which meeting notice shall be prominently posted at the township office, and as otherwise approved by the Board; however, in the case of an emergency which makes it necessary to convene a meeting with less than twenty-four hours' advance notice, this requirement may be waived.

C. The Board may take no official action except at an open public meeting in the presence of a quorum, consisting of a majority of all the members of the Board. A quorum of the Board may be established either by the in-person presence of Board members at a public meeting, or by in-person presence and by means of electronic telecommunication by Board members provided that any such Board member may hear and be heard by the public at such meeting. All discussions relating to official actions ~~should~~ shall be in open public meetings except as provided by §708 of the Pennsylvania Sunshine Act, 65 Pa.C.S. §708, as the same may be amended from time to time. ~~with the following exceptions:~~

~~(a)~~

~~Matters in litigation with the township as a party~~

~~(b)~~

~~Matters concerning hiring, dismissal, promotion or discipline.~~

~~(c)~~

~~Matters which would adversely affect the reputation of any persons.~~

~~(d)~~

~~Matters having to do with the acquisition of land and other subjects which would be likely to benefit a party whose interests are adverse to the general community.~~

~~(2)~~

**Commented [PM3]:** Change made to clarify that a quorum may consist of in-person presence of the Board as well as by remote electronic means to reflect post-Pandemic capabilities.

**Commented [PM4]:** Change made to ensure accuracy and consistency with the Pennsylvania Sunshine Act and any amendments thereto without having to also update the Charter to remain consistent with changes to the Sunshine Act.

D. Official actions by the Board shall be taken only by ordinance, resolution or motion. Voting~~, except on procedural matters,~~ as to ordinances and resolutions shall be by roll call vote of the Board. All other votes may be by motion of the Board with each Board member's vote duly recorded in the public meeting minutes. A majority vote of all the members of the Board shall be required to adopt an ordinance. Resolutions or motions shall be adopted by a majority vote of all the members of the Board present, except as otherwise provided herein.

**Commented [PM5]:** Change made to reflect the current custom and practices of the Board.

~~D.~~ E. It is the intent of this Charter that the Board act as a body in relation to all administrative matters. No Supervisor 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 the operations and legislative needs of the departments or from assigning individual Supervisors to liaison relationships with boards, commissions and authorities.

**§211. Records and reports.**

A. The Board shall provide in the Administrative Code for the protection and preservation of its minutes and other records of its proceedings. Records shall be kept at the township office and shall be open for public inspection throughout normal working hours. It is the intent of this Charter that no citizen of the township shall be denied reasonable access to public records of the township. Copies of the minutes of the meetings of the Board shall be available to the public ~~at a reasonable cost~~.

B. The Board shall require periodic and meaningful reports on financial and administrative matters, at least monthly, and an annual report at the end of each fiscal year.

C. 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, along with a copy of financial and other activity reports, shall be distributed to the public at the start of the meeting. The agenda shall be available at least ~~eight~~ twenty-four hours prior to the start of the meeting.

**§212. Legislative duties and responsibilities.**

It shall be the duty and responsibility of the Board to:

A. Establish policy for the guidance of the executive, administrative and advisory functions of the township government.

B. Adopt, ~~an~~ and amend as necessary, an Administrative Code defining the organization and assignment of duties and responsibilities of township officers and employees.

C. Adopt ordinances and resolutions not inconsistent with or restrained by the Constitution and laws of ~~this~~the ~~commonwealth~~ Commonwealth of Pennsylvania or by this Charter and prescribe fines and penalties consistent with general law for the violation of township ordinances.

D. Initiate, by motion, resolution, or ordinance~~, and conduct,~~ by the Board as a body or through committees of the Board and/or township citizens, inquiries and investigations in aid of its legislative functions.

**Article III. ~~Elected~~ Audit~~or~~**

**§301. Annual Independent Audit~~Elected Auditor~~.**

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 and having no personal interest, direct or indirect, in the fiscal affairs of the township or any of its elected or appointed officials. The Board may provide for more frequent audits at its discretion. ~~The Board shall review the work of such auditor annually and, at intervals not to exceed three (3) years, shall obtain proposals for future audits from at least two (2) other qualified firms for comparison with the incumbent auditor's proposal. The results of the annual audit and financial statements of the township shall be submitted to the Board and Manager, and the audited financial statements shall be included in the township's annual report. Any report of the independent auditor containing recommendations concerning financial management or fiscal controls shall be presented to the Board and made available to the public upon request. The financial statements shall include a balance sheet showing all current assets and liabilities.~~

~~Article IV. Elected Tax Collector~~

~~§ C-24. Elected Tax Collector.~~

~~A Tax Collector shall be elected at an at-large election in the municipal election of 1977 and at four-year intervals thereafter. The Tax Collector shall be a registered elector of the township and shall serve for a four-year term beginning on the first Monday in January following the year in which he is elected.~~

~~[1]~~

~~*Editor's Note: Ordinance No. HR-94, adopted 3-4-1985, abolished the office of the Elected Tax Collector, effective January 1, 1986, and provided for taxes to be collected by the Township Administrative Office.*~~

~~§ C-25. Election.~~

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

~~§ C-26. Duties.~~

**Commented [PM6]:** A contemporaneous amendment to Section 4-3.E of the Administrative Code is proposed for the sake of consistency in the manner in which the Board may appoint committees.

**Commented [PM7]:** A contemporaneous amendment to the Administrative Code to delete Section 4-4 regarding the Elected Auditor is proposed. In addition, an amendment to Section 4-24, Independent audit, is proposed to clarify responsibilities and term of service of the appointed auditor.

**Commented [PM8]:** With this proposed change, the Township is abolishing the elected position of Auditor and instead replacing it with an appointed outside independent auditor to ensure that the audit is performed by qualified and competent professionals, which is standard fiduciary responsibility in municipalities across the Commonwealth and consistent with current practice of the Township.

**Commented [PMM9]:** Elected Tax Collector was abolished by Ordinance HR-94, adopted March 4, 1985. And effective January 1, 1986. The Charter was never updated to reflect the contents of the ordinance.

~~The Tax Collector shall continue to collect township taxes in the manner provided by law and as directed by the Board.~~

~~§ C-27. Vacancy.~~

~~If a vacancy shall occur in the office of Tax Collector, and such office shall be declared vacant by the Board, such vacancy shall be filled by the Board which shall appoint a qualified person to serve the balance of the unexpired term.~~

~~§ C-28. Compensation.~~

~~The Tax Collector shall be compensated for his work by the Board at an annual rate fixed by ordinance. Any subsequent change in said compensation shall not take effect until the expiration of the term of office of the incumbent Tax Collector at the time the change is enacted.~~

~~§ C-29. Termination.~~

~~Notwithstanding any other provisions of this article, the elected office of Tax Collector may be abolished by ordinance (except in the case of the Tax Collector elected prior to the effective date of this Charter), and such ordinance shall make other provisions for the collection of taxes.[1] In such event, the term of the Tax Collector then in office shall terminate immediately or at such time as the Board shall direct.~~

~~[1]~~

~~*Editor's Note: See Ordinance No. HR-94, adopted 3-4-1985, which abolished the office of the Elected Tax Collector, effective January 1, 1986, and provided for taxes to be collected by the Township Administrative Office.*~~

**Article IV. Township Manager**

§401. Appointment and compensation.

The Board by a majority vote of its membership shall appoint a Township Manager (hereinafter referred to also as "Manager") for an indefinite term to serve at its pleasure and shall fix ~~his~~the Manager's compensation. ~~At the time of his~~the Manager's ~~appointment, he~~the Manager ~~need not be a resident of the township, but residence within the township must be acquired within 12 months of this appointment, unless exempted from this requirement by the Board.~~

**Commented [PM10]:** Proposed change is to remove the Township residency requirement for the Township Manager as an antiquated requirement and hindrance to hiring qualified candidates.

§402. Qualifications.

The Manager shall be selected on a basis of ~~his~~their administrative training, professional qualifications and experience, and ~~he~~the Manager shall not otherwise be gainfully employed except as permitted by the Administrative Code.

§403. Executive powers and duties.

The Manager shall be the chief executive officer 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~~the Manager's charge. The Manager shall have the following powers and duties:

A. With the approval of the Board, to appoint, suspend and remove department heads, except the Superintendent of Police.

B. To be responsible for the performance of all duties required of the office of the Township Secretary by general law or this Charter directly or through such employees as may be set forth in the Administrative Code.

§404. Removal from office.

The Board may remove the Manager at any time in accordance with the following procedures:

A. The Board shall adopt by affirmative vote of a majority of all its members a preliminary resolution for ~~his~~the Manager's removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

B. Within five days after a copy of the resolution is delivered to the Manager, ~~he~~the Manager may file with the Board a written request for a statement of the reasons for ~~his~~their proposed removal and a public hearing with or without legal counsel. This hearing shall be held at a Board meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Board a written reply not later than five days before the hearing.

C. The Board may adopt a final resolution of removal, which may have been made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if ~~he~~the Manager has not requested a public hearing, or at any time after the public hearing if the Manager~~he~~ has requested one.

D. A preliminary resolution to remove the Manager may be adopted only at a public meeting of the Board.

§405. Acting Manager.

The Manager shall designate in writing, subject to approval of the Board, an employee of the township to exercise the powers and duties of the Manager during ~~his~~the Manager's absence or disability. During such absence or disability, the Board may revoke such designation at any time and appoint another employee of the township to serve until the Manager shall return or ~~his~~the Manager's disability shall cease. In the event of a vacancy, the Board shall appoint an employee of the township to serve as Acting Manager until the vacancy is filled.

§406. Reports.

The Manager shall at all times keep the Board fully advised as to the financial condition and administrative activities of the township, shall provide to the Board at its regular monthly meetings, and at such other times as the Board may direct, periodic reports thereon and shall

prepare and submit to the Board and make available to the public an annual report concerning the finances and administrative activities of the township.

Article V~~I~~. Ordinances

§ 501. Actions requiring Ordinances

In addition to any other power or duty required by law or by this Charter to be exercised by ordinance, ~~those~~the following 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 increase or decrease the rates of existing taxes.

C.

Grant, renew or extend a franchise.

D.

Establish, alter or abolish rates or charges for any utility or other service supplied by the township.

E.

Authorize the borrowing of money except for revenue anticipation or emergency loans as provided elsewhere in this Charter.

~~F.~~

~~Exercise the power of eminent domain.~~

~~G.~~

~~Purchase, convey, lease or authorize the purchase, conveyance or lease of any real property.~~

F~~H~~.

Amend or repeal any ordinance previously adopted.

G~~I~~.

Establish, alter or amend any zoning ordinance, subdivision ~~procedure,~~and land development ordinance, land use or building regulation.

§502 ~~C-37~~. 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 omitted or added.

§503 ~~C-38~~. Procedure for enactment.

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

**Commented [PM11]:** An amendment to Section 4-5, Powers and duties of the manager, is proposed to ensure accuracy with this Section of the Charter.

**Commented [PM12]:** An ordinance is not required by the Home Rule Municipality Act. The Eminent Domain code permits the Board to act by resolution or ordinance to condemn.

**Commented [PM13]:** An ordinance is not required by the Home Rule Municipality Act, and the requirement to authorize and advertise an ordinance when purchasing property can needlessly delay negotiations and settlement.

A.
The proposed ordinance shall be given to the Manager and placed on the agenda of the Board for introduction and initial consideration at the next meeting of the Board.

B.
If approved initially by the Board, the Manager shall cause a concise summary of the proposed ordinance to be advertised at least once in ~~two or more~~one newspaper~~s~~ of general circulation, unless otherwise required by law, in the township appearing at least seven days before the meeting in which the ordinance will receive further action 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 on which the Board proposes to act on the ordinance. ~~Further, in the case of amendment to the Zoning Ordinance applying only to a small portion of the township, such notice shall be given directly to neighboring property owners of the area affected.~~

**Commented [PM14]:** Advertising in two newspapers is very costly to the Township, and in some cases, it becomes unwieldly to do so in order to maintain a timeline for adoption. In addition, newspaper advertising is antiquated.

**Commented [PM15]:** Deletion proposed to be consistent with current practice of the Township. In addition, there is no bright line cut off on which resident is to receive notice or not as the area "small portion of the Township" is undefined. In addition, this is not required by the Municipalities Planning Code.

C.
Provided that the preceding procedures have been followed and ~~all~~ any persons interested have had an opportunity to be heard or to present their views in writing, the Board may adopt the proposed ordinance at the advertised meeting or it 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 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 §503.B ~~**C-38B**~~.

~~D.~~
~~An ordinance finally adopted by the Board shall be advertised in full at least once in two or more newspapers of general circulation in the township, within seven days of the adoption of the ordinance; except that ordinances adopting by reference standard codes of technical regulations, as provided in § **C-40** of this Charter, will not require publication of the codes.~~

**Commented [PM16]:** This is not a requirement of the Home Rule Municipality Act or the Municipalities Planning Code, and is extraordinarily expensive to the Township, particularly where an ordinance is extensive in length.

~~E.~~
D.
~~Except in emergencies or as otherwise provided in this Charter, e~~Every ordinance adopted by the Board shall become effective immediately~~on the 31st day~~ after the date of adoption, or at any later date specified therein.

~~§ C-39. Emergency ordinances.~~

~~Notwithstanding the provisions of § **C-38**, the Board may, in the event of a substantial public emergency affecting the life, health, property and peace of the citizens of the township, adopt one or more emergency ordinances, but such ordinances shall not levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter. An emergency ordinance shall be introduced in the form required 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 the Board may adopt an emergency ordinance at any regular or special public meeting in which it is introduced. An emergency ordinance shall become effective immediately, shall automatically stand repealed as of the 31st day following the date of its adoption, but may be reenacted 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.~~

§504 ~~C-40~~. Standard codes of technical regulations.

The Board may adopt any standard code of technical regulations by adopting an ordinance incorporating said standard code by reference. The details of such standard codes need not be advertised, but copies of such codes shall be available at the office of the township for public inspection ~~and for purchase at a reasonable price fixed by the Board~~. Adoption of standard codes shall be in accordance with the procedures set forth in §503 ~~C-38~~.

§505 ~~C-41~~. 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 31 days of its effective date. The permanent record book shall be open and available for public inspection throughout normal office hours.

§506 ~~C-42~~. Compilation.

~~Within one year after the effective date of this Charter, t~~The Board shall provide for the preparation of a general compilation and indexing of all township ordinances having the force and effect of law. The general compilation shall be published promptly ~~in loose-leaf form~~, together with this Charter and the Administrative Code required by this Charter. This compilation shall be known and cited as "The General Laws of the Township of Tredyffrin" ~~and copies shall be furnished to township officers, placed in township libraries and the township office for free public reference and shall be made available for purchase at a reasonable price fixed by the Board~~.

§507 ~~C-43~~. Amendments.

All amendments to the General Laws and new ordinances shall be integrated in said compilation and distributed as aforesaid.

Article VI~~II~~. Township Administration

§601 ~~C-44~~. General provisions.

The Board shall adopt by ordinance an Administrative Code which shall provide for the administrative organization of the government, the assignment of duties and responsibilities to officers and employees, and the procedural requirements set forth by this Charter or general law as supplemented by the Board. The Board may create, modify or abolish and prescribe the functions of township departments, offices and agencies ~~not in~~consistent with law or this Charter. The Board may create, modify or abolish boards, commissions, authorities and other agencies and special committees; prescribe their organization and functions, ~~if not in~~consistent with this Charter or general law; and appoint, suspend or remove the members of such boards, commissions, authorities and other agencies and special committees by a majority vote of all the members of the Board of Supervisors. ~~All changes in organization and procedures set forth in the Administrative~~

**Commented [PM17]:** Deletion is proposed as unnecessary and unutilized. In addition, states of emergency are otherwise governed by the Emergency Management Act. In true cases of emergency, the Board may act to address the emergency and later ratify such action at a public meeting. Moreover the adoption of an ordinance to address an emergency likely will slow down the process of responding to the emergency.

**Commented [PM18]:** Deletion proposed is to reflect the advent of the Township's website and the availability of the information online and free of charge to the public.

~~Code shall be effected by amendment of the Administrative Code in the same manner as other ordinances are enacted and amended.~~

§602 ~~C-45~~. Personnel system.

A.
The Manager shall appoint and remove, with the approval of the Board, all department heads and other officers specified in this Charter or by general law with the exception of the Superintendent of Police and the members of boards, commissions, authorities and other agencies and special committees as provided for in §403.A ~~C-44~~. Department heads shall appoint and remove, with the approval of the Manager, their subordinate officers and employees under written rules of personnel administration which shall be adopted by the Board as provided in § 602.B ~~C-45B~~.

B.
The Board shall adopt in the ~~initial~~ Administrative Code personnel rules which are necessary to the administration of the township's personnel system, including, as a minimum, methods for determining the merit and fitness of candidates for appointment and promotion, policies regulating disciplinary action and grievance procedures.

C.
~~In addition to the provisions of § C-45B hereof, the Board shall provide in the Administrative Code r~~Rules for the regulation of the tenure, suspension, removal, furloughing and reinstatement of police officers shall be as provided in the then applicable collective bargaining agreement as approved by the Board of Supervisors.

D.
All appointments and promotions of township employees, including police officers, shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence.

§603 ~~C-46~~. Township Solicitor.

A.
The Board by a majority vote of its membership shall appoint a Township Solicitor for an indefinite term to serve at the pleasure of the Board and shall fix ~~his~~the solicitor's compensation. ~~He~~The solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania in good standing and experienced in municipal law.

B.
It shall be the duty of the Township Solicitor to:
(1)
Serve as the legal advisor to the Board and the Manager and to other township officers, departments, boards, commissions, authorities and agencies, unless such desire independent counsel and only upon approval of the Board at their discretion. ~~It is the intent of this Charter that only one person shall be the legal advisor of the township, but t~~The Board may authorize ~~temporary assistants~~special counsel for special purposes from time to time.

(2)
Represent the township in legal matters, proceedings or hearings.

**Commented [PM19]:** Removed language as it is superfluous. The procedure for enactment of ordinances is already addressed.

**Commented [PM20]:** The change is proposed to align with current practice as no such rules or regulations were ever adopted, and these provisions are otherwise provided for in the Police Collective Bargaining agreement.

**Commented [PM21]:** The change is proposed to reflect that the law firm is appointed, not just the one individual attorney from the law firm.

(3)
Perform any other duties prescribed by this Charter or by ordinance or general law or as directed by the Board.

C.
Removal of the Township Solicitor shall require a majority vote of all the members of the Board.

§604 ~~C-47~~. Superintendent of Police.

A.
The Board by a majority vote of its membership shall appoint a Superintendent of Police to serve at its pleasure and shall set ~~his~~ the annual compensation for the Superintendent of Police. The Superintendent shall be an experienced police officer~~man~~ who has satisfactorily completed all the requirements for the position specified in the Administrative Code. The Superintendent of Police ~~He~~ shall not be otherwise gainfully employed except as permitted by the Administrative Code. ~~At the time of appointment, he need not be a resident of the township, but residence within the township must be acquired within 12 months of appointment, unless exempted from this requirement by the Board.~~

**Commented [PM22]:** Proposed change is to remove the Township residency requirement for the Superintendent of Police as an antiquated requirement and hindrance to hiring qualified candidates.

B.
The Superintendent of Police shall have the authority for the organization, planning, staffing and performance of the Police Department and the employees thereof. The Superintendent of Police shall require the strict enforcement of all laws applicable to the police function of the township and other enforcement as designated by the Board and shall be in charge of crime prevention activities.

C.
Removal of the Superintendent of Police from office shall be accomplished under the same procedures as for the removal of the Manager outlined in § 404~~C-33~~.

§605 ~~C-48~~. Township Engineer.

A.
The Manager shall appoint, subject to the approval of the Board, a Pennsylvania registered professional civil engineer or engineering firm to carry out the duties of Township Engineer as needed, the compensation to be fixed by the Board.

B.
The Township Engineer, under the direction and supervision of the Manager, shall supervise all engineering and other matters of the township as specified in this Charter or by ordinance.

§606 ~~C-49~~. Finance Director.

A.
At the discretion of the Board, a Finance Director may be appointed by the Manager with approval of the Board, and ~~his~~ the salary shall be fixed by the Board. Such Finance Director shall be qualified by education and/or experience in financial management and public finance. ~~Until such~~

~~time as the Board establishes the position of Finance Director, the Manager shall be responsible for the duties of Finance Director as outlined in this Charter.~~

Commented [PM23]: Language is proposed to be deleted since the position of Finance Director has been created and filled.

B.
The Finance Director shall serve as the chief financial adviser to the Manager and other township officers, departments, boards and agencies. The Finance Director, under the direction and supervision of the Manager, shall perform duties prescribed elsewhere in this Charter or by ordinance.

Article VII~~I~~. Financial Administration

§701~~-C-50~~. Fiscal year.

The fiscal year of the township shall be the calendar year. However, ~~after 1976,~~ 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.

§702~~-C-51~~. 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 as set forth in this Article VII~~I~~.

§703~~-C-52~~. Financial projection.

The Manager, with the assistance of the Finance Director, shall, at the time of presenting the annual budgets of the township for the consideration of the Board, submit as an annex to the budgets the tentative financial projections for a period of three or more years, said projections to be revised annually. The projections shall deal with operations, capital programs and a schedule for the amortization of debt. The Administrative Code shall provide for the implementation of this section.

§704~~-C-53~~. Operating budget.

A.
At least 45 days before the end of the fiscal year, the Manager, with the assistance of the Finance Director, shall prepare and submit to the Board a proposed budget for the following fiscal year. The Board shall prescribe the form in which the annual operating budget is to be prepared, 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 revenues and expenditures. All appropriations shall be made in lump sum amounts and according to the following classes of expenditures for each office, department, major operating unit, board or commission:
(1)
~~Personal services~~Personnel expenses.

(2)
Contractual services.

(3)
Materials, supplies and equipment.

(4)
Debt service.

(5)
Capital expenditures.

(6)
Such additional classes as the Board may prescribe.

B.
At least 30 days before the end of the fiscal year, the Board shall complete consideration of the Manager's proposed budget, modify the Manager's proposal in such manner as it sees fit and adopt a preliminary budget. The budget must be balanced so that appropriations are matched by anticipated revenues and available surplus. ~~A summary of the preliminary budget shall be advertised at least once in two or more newspapers of general circulation in the township at least 10 days before the date set for final adoption. In advertising the preliminary budget, the Board shall state the date set for final adoption.~~ Copies of the detailed preliminary budget shall be available at the township office for public inspection and made available on the Township's website or as otherwise provided by law for public inspection~~copies shall be available for purchase by any interested citizens for a reasonable fee to be set by the Board~~. ~~After advertisement, t~~The Board shall hold at least one public ~~hearing~~ meeting on the preliminary budget, which may take place at any regular or special meeting of the Board.

C.
A summary of the final budget shall be advertised at least once in a newspaper of general circulation in the township, or as otherwise provided by law, at least 10 days before the date set for final adoption. In advertising the final budget, the Board shall state the date set for final adoption. After the proposed budget has been made available for inspection at least 10 days prior to the date of adoption, the Board shall, after making revisions as are appropriate, adopt the final budget. The Board shall ~~finally~~ adopt a final balanced budget before the start of the fiscal year to which it applies, except that in the year immediately following a municipal election, the new Board may within 45 days after the start of the fiscal year adopt a revised budget. The budget ~~ordinance~~ shall be effective as of the start of the fiscal year. In the event that the Board fails to adopt a budget by the start of the fiscal year, the amounts appropriated for the previous fiscal year shall be considered appropriated temporarily, prorated on a month-to-month basis, until a final budget is adopted.

D.
The Finance Director shall cause the appropriations voted by the Board to be entered into 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 allocations within each appropriation, but changes in appropriations, either increases or decreases, in any items on which budgetary controls are maintained, shall be made only pursuant to a~~n ordinance~~ resolution of the Board authorizing such changes. ~~Ordinances amending the budget may be adopted and take effect immediately at any regular or special public meetings of the Board. The provisions of § C-38 will not apply to ordinances amending the budget appropriations.~~

**Commented [PM24]:** The requirement to advertise the preliminary budget was removed to alleviate timing constraints on adoption of the final budget and as a cost saving measure. The preliminary budget must still be discussed and acted upon in a public meeting, and we have required the budget to be made available on the Township's website to be easily viewed by the public.

**Commented [PM25]:** We have clarified the process for advertising and adopting the final budget based on the procedure that was previously in place for the preliminary budget, and we have clarified that the final budget need only be advertised once in one instead of two newspapers as a cost saving measure. Finally, we removed the requirement to adopt the final budget by an ordinance as the process was unwieldly and time consuming.

**Commented [PM26]:** We removed the requirement of amending the budget to be by an ordinance to instead be through a resolution instead of as the ordinance process is costly and time consuming.

Supplemental appropriations may be made by the Board at any time. In the event that revenues are found and certified by the Finance Director to fall short of estimates in the budget, the Board shall make necessary reductions in appropriations in order to maintain a balanced budget. All unexpended appropriations shall lapse at the end of the fiscal year.

E.
In the event of genuine emergencies, unanticipated at the time the operating budget was adopted, the Board may make supplemental appropriations to meet the emergency conditions. To the extent that there are no available unappropriated revenues to meet such emergency appropriations, 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)~~. It is the intent of this Charter that operating expenditures shall neither be appropriated nor paid out of loan funds except to meet genuine emergencies.

§705 ~~C-54~~. Capital program and capital budget.

On or before the adoption of the operating budget, the Board shall adopt a capital program and a capital budget. The capital program shall set forth all capital expenditures, in an amount as set forth in the Administrative Code ~~amounting to $10,000 or more~~ (except for maintenance of existing facilities, which shall be included in the operating budget), identified by project, the year in 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 on future operating expenses and the effect of any proposed new indebtedness on the amortization schedule of existing debt and debt limits. The capital program shall incorporate all anticipated capital projects to be initiated within a period of three or more years. Following approval by the Board of the capital program, the Board shall adopt a capital budget providing appropriations for the next fiscal year, which shall be the first year of the capital program. The capital budget may be financed from unused appropriations of current revenues or moneys borrowed as authorized by this Charter or general law. All unused appropriations for the capital budget shall lapse at the end of the fiscal year. The Finance Director shall control expenditures in relation to appropriations in the capital budget in the same manner as required for the operating budget in §704 ~~**C-53D**~~. The Board may amend the capital budget at any time during the fiscal year, but before doing so must amend the capital program. The capital program and the capital budget shall be adopted ~~only after advertisement and public hearing~~, in the same manner as provided for the adoption of the operating budget in §704 ~~**C-53B**~~.

**Commented [PM27]:** We moved the capitalization policy to the administrative code so that it be more easily amended and updated by the Board as necessary.

**Commented [PM28]:** Change was made to be consistent with adoption of capital budget process set forth in Section 704.

§706 ~~C-55~~. Receipts.

The Board shall provide in the Administrative Code for procedures for the receipt, deposit and accounting for all moneys due and received by the township.

§707 ~~C-56~~. Contracts.

A.
The township may make contracts for lawful purposes subject to the provisions of this Charter and general law. No contract shall be made or obligation incurred unless the Finance Director shall certify to the Manager that there is a sufficient unencumbered balance in an appropriation and sufficient funds therefrom are or will be available to cover the claim or meet the obligations when

it becomes due and payable. Any officer authorizing or permitting any contract to be made in violation of this provision shall be subject to removal from office and liable to the township for any loss incurred.

B.

All contracts of the township involving sums in excess of an amount specified by the Board by ~~ordinance~~resolution shall be in writing. The Manager shall execute all contracts on behalf of the township involving sums of less than the amount specified by the Board, provided that such action is in accordance with the budget or other specific prior authorization. Contracts in excess of amounts authorized to be approved by the Manager, or extending over a period of more than two years, shall be formally approved by the Board and countersigned by the Chairman of the Board as well as the Manager. Authorization for contracts for the purchase, sale, lease or use of real estate or for the construction of assessable public capital improvements shall be given by ordinance. Any officer required to execute a written contract shall submit the form of contract to the Township Solicitor for approval before executing the contract.

**Commented [PM29]:** We have changed the process from an ordinance to a resolution to make the process easier for the Board to address the policy in a more timely and less costly manner.

C.

The Board shall, by ordinance, establish a procedure for competitive bidding to include definitions of amounts, publication and notice requirements, including advertisement at least once in ~~two or more~~ a newspaper~~s~~ of general circulation in the township, deposit and bond requirements, conditions, terms, rules, regulation, waiver and exceptions, as it shall from time to time deem advisable, in accordance with this Charter and general law. Competitive bidding shall not be required under this Charter for:

**Commented [PM30]:** We removed the requirement to advertise in two separate newspapers to be consistent with the changes made for advertisement of ordinances, as advertisement has become costly and time consuming. Nor is this required by the Public Bidding Law.

(1)

Labor or services rendered by any township officer or employee.

(2)

Contracts for labor, material, supplies or services aggregating less than the amount otherwise specified by ~~for the item in the year supplied~~ the laws of the Commonwealth of Pennsylvania.

(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.

(7)

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

D.

Except as otherwise provided in this Charter, no contract for supplies, materials, 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.

E.
No person shall evade the provisions of this section of the Charter by purchasing or contracting for services or supplies piecemeal with transactions which would, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than the amount as specified by the Board.

F.
The terms of contracts for the purchase of supplies shall not exceed two years.

§708 ~~C-57~~. Disbursements.

The Finance Director shall authorize disbursement of township moneys only after determining that all goods and services 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 and other orders of payment by two persons, one of whom shall be the Finance Director or other employee under ~~his~~the direction of the Finance Director as shall be specified in the Administrative Code.

§709 ~~C-58~~. Records and reports.

A.
The Finance Director shall be responsible for providing 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 in order that required reports and analyses may be produced for the proper management and control of such activities.

B.
The Finance Director shall take appropriate measures reasonable to ensure that the Manager and the Board are kept informed of any significant financial or financially related fact which would have an impact or influence on the township.

C.
The Finance Director shall prepare for the Manager and the Board periodic financial reports, at least monthly, and at such other times as the Board or the Manager may direct, and shall at the end of each fiscal year prepare an annual financial report which shall be included in the Manager's annual report to the Board and the public.

D.
The Finance Director shall provide for the preservation of financial records which shall be kept at the office of the township and shall be available for public inspection throughout normal office hours.

§710 ~~C-59~~. Independent audits.

The Board shall provide for an annual independent certified standard municipal audit of township receipts, expenditures, accounts and reports by a Pennsylvania certified public accountant or accountant firm having no interest, direct or indirect, in the fiscal affairs of the township

government or any of its elected or appointed personnel. The Board may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the township shall be submitted to the Manager and to the Board and shall be included in the annual report of the township. A summary of the annual audit report of the independent auditor shall be published at least once in two or more newspapers of general circulation in the township within 60 days after the close of the fiscal year.

§711 ~~C-60~~. 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, goods and supplies. All such bonds shall be approved by the Township Solicitor as to form and sufficiency. The premiums for such bonds shall be paid by the township.

§712 ~~C-61~~. Financial limitations.

A.
The Board shall be limited in sources and rates of taxation by general laws applying to municipalities governed by a Home Rule Charter. Pending enactment thereof, the tax limitation provisions, including relief therefrom, applicable to townships of the second class shall apply.

B.
The borrowing of money shall be limited to general laws applying to municipalities governed by a Home Rule Charter and by the Local Government Unit Debt Act ~~(Act 185 of 1972)~~ as to procedural matters.

Article VIII~~IX~~. Prohibited Activities and Conflict of Interest

§801 ~~C-62~~. Prohibited activities.

The following activities shall be prohibited in the operation of the township government:
A.
No person shall favor or discriminate against another person in ~~his~~their employment by the township in any capacity, appointment to any board, commission or agency, or removal therefrom, because of race, color, gender~~sex~~, age, national origin, ancestry, handicap, disability, sexual orientation or identity, political or religious opinions or affiliations.

**Commented [PM31]:** Updated language to reflect more current standards.

B.
No person who seeks appointment ~~on~~to any township board, commission or agency or employment by the township in any capacity shall, directly or indirectly, give or pay any money, service or other consideration to any person or entity in connection with such appointment or employment, other than to a bona fide employment agency.

§802 ~~C-63~~. Conflict of interest.

A.
No elected or appointed official of the township shall:
(1)

Engage in any activity or take any action by virtue of ~~his~~their 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, however, be construed to be prohibited if the action in question is ~~in~~on 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 consideration that might reasonably tend to influence that official in the discharge of the duties of office.

(3)
Seek to influence, directly or indirectly, the awarding of any contract where such official is interested or would benefit directly, financially or otherwise, from said contract. Such action is not intended to apply to actions of a Supervisor on behalf of a group or class of citizens of the township who would benefit from the contract and such benefit and relationship is generally known and acknowledged.

B.
Any elected or appointed official of the township or employee thereof having any direct or indirect financial interest as a partner or a stockholder of a corporation or an employee of a business entity which proposes to contract with the township for the purchase or sale of land, materials, supplies or services of any kind shall fully disclose said interest and, except where stock holdings in a corporation shall be minimal, shall not vote on said contract. Violation of this section shall render the contract voidable at the discretion of the Board of Supervisors.

C.
The Supervisors, the Township Manager and their direct appointees shall, upon taking office, file with the Township Secretary a statement of direct, indirect or beneficial ownership of real property in Tredyffrin Township, excluding their principal residences, or direct, indirect or beneficial interest in any corporation, partnership or joint venture owning real property in Tredyffrin Township. This statement shall be revised promptly as required by any change in ownership.

**Commented [PM32]:** Clarified that the statement of property ownership excludes a Supervisor's principal residence in the Township as residency is a requirement already for office.

§803 ~~C-64~~. Violation.

Any person who violates any provisions of § 802 ~~C-63~~ or who shall be convicted of any crime classified as a misdemeanor of the second degree or higher under the laws of this ~~c~~Commonwealth or shall be convicted of any comparable crime by the United States, federal district or territory, or by any state shall not be qualified to hold township office or employment and, if holding such, shall be dismissed upon determination of such violation by a Citizens Board of five ~~electors~~voters of this township appointed by the Board of Supervisors for such purpose or upon conviction thereof by a court of the United States, federal district or territory, or any state.~~state or federal court.~~ The Citizens Board shall be appointed by the Board of Supervisors upon its own motion (provided that any Supervisor who is the subject of the investigation shall not take part in the appointment) or shall be appointed upon the petition of 100 or more registered ~~electors~~voters in the township whose designated Chair~~man~~ shall be a member of the Citizens Board. The petition seeking the appointment of a Citizens Board shall in general terms specify the area of investigation.

Article IX. Citizen Participation

§901 ~~C-65~~. General provisions.

A.
Any qualified citizen of the township may participate in the governing of the township by:
(1)
Seeking elected office as a Supervisor and/or voting for the Supervisor or Supervisors of ~~his~~their choice.

(2)
Serving on boards, commissions, authorities, committees or other agencies of the township when ~~requested~~appointed by the responsible officials.

(3)
Attending public meetings of the Board and other boards, commissions, authorities, committees or agencies of the township.

(4)
Addressing suggestions to the Board and others to provide guidance for their actions and exercising the right of initiative or referendum in accordance with the procedures set forth in § 902 ~~C-66~~.

B.
The Board shall make every effort to appoint qualified citizens to boards, commissions, authorities and committees in order that the greatest possible use be made of the talents and interests of citizens of the township in promoting the public interests and welfare of the township.

§902 ~~C-66~~. Initiative and referendum.

A.
The qualified voters of the township shall have the power, subject to the procedures and limitations set forth herein, to propose the initiation of ordinances or the repeal of ordinances previously enacted by the Board.

B.
All petition papers for the purpose of initiating or repealing an ordinance shall:
(1)
Bear in ink the signatures, addresses and date of signing of at least 20% of the registered ~~electors~~voters in the township.

(2)
Contain the names and addresses of five registered ~~electors~~voters designated as the "Committee of the Petitioners," including the person designated as the Chair~~man~~ of the Committee of the Petitioners.

(3)
In the case of initiating an ordinance, contain the full text of the ordinance proposed and, in the case of repealing an ordinance, identify the title, date and a summation of the significant substance of the ordinance for which repeal is sought.

(4)

Contain on each page an affidavit executed by the circulator of the petition that all signatures thereon are genuine and were affixed in ~~his~~their presence on the date indicated only after the signer had an opportunity to read the full text prior to signing.

(5)
Be circulated and signed within a period of 30 days between the date of the first signature and the date at which the petition papers are submitted to the Township Manager.

(6)
Be submitted to the Township Manager who shall immediately take further action as set forth in this article.

C.
Upon receipt of a petition to initiate or repeal an ordinance, the Township Manager shall take the following action:

(1)
Within 20 days of receiving the petition, the Township Manager shall examine the petition for compliance with the provisions of this article with respect to form and sufficiency of signatures and advise the designated the Chair~~man~~ of the Committee of the Petitioners of the results of the examinations by certified mail or hand delivery.

(2)
If the purpose of the petition is to initiate an ordinance, the Manager shall immediately refer a copy of the text of the proposed ordinance to the Township Solicitor who shall within five days certify to the Manager whether or not the proposed ordinance is lawful under this Charter and general law and whether or not the proposed ordinance is in proper form or can be so written without changing substance. Such decision by the Township Solicitor shall be considered a "final order of an administrative agency" under the provisions of Article V, Section 9, of the Constitution of the Commonwealth of Pennsylvania. If the Township Solicitor considers the proposed ordinance to be lawful, but defective in form, the Township Solicitor shall provide a draft in proper form. The Manager shall report the findings of the Township Solicitor in ~~his~~the report to the designated Chair~~man~~ of the Committee of the Petitioners, as required above.

(3)
Within 10 days of receiving the response of the Manager, the Chair~~man~~ of the Committee of the Petitioners may notify the Manager of the Committee's acceptance of the report or the revised draft, if any, and remedy any minor procedural deficiencies in the petition. Otherwise, the petition will be considered abandoned and any further action must be initiated by a new petition.

(4)
If the Manager finds the petition is sufficient, the Manager shall as soon as possible, but in no more than 20 days after receipt, advise the Chair of the Board ~~Chairman~~. If the petition calls for the repeal of an ordinance which was not in effect at the time the petition was filed with the Manager, the ordinance will be suspended until final decision has been made under this article. If the ordinance was in effect at the time the petition was received by the Manager, the ordinance will remain in effect until repealed by the Board or by referendum.

(5)

The Manager shall advertise the proposed ordinance or repeal of an ordinance in the same manner as an ordinance initially approved by the Board under § 503.B~~C-38B~~, designating the date at which the Board will take final action, and shall place the question on the agenda for the Board at the designated meeting.

D.
The Board must accept or reject the proposed ordinance or repeal of an ordinance at the meeting designated for this purpose. No amendments may be made which materially change the substance or effect of the proposed ordinance.

E.
Before final action is taken by the Board, the Committee of the Petitioners may, by majority vote of its members, elect to rescind the petition and notify the Manager, in writing, of this decision. If such action is taken, the matter will be closed and any further action can be taken only by a new petition.

F.
If, within 60 days of the submission of a certified petition by the Manager to the Chair of the Board ~~Chairman~~, the Board shall fail to pass an ordinance requested by initiative petition in substantially the form requested or shall fail to repeal the referred ordinance, the Manager shall within 14 days thereafter file the petition with the Board of Elections of Chester County, Pennsylvania, and request that the proposed ordinance or repeal of an ordinance be submitted for referendum at the next municipal, general or primary election which shall occur not less than 60 days from the date of certification of the petition to the County Board of Elections. No action of initiative or referendum shall be taken under this article at a special election other than at the time of regular scheduled elections.

G.
If a majority of the qualified ~~electors~~voters voting on the question favor the adoption of a proposed ordinance or the repeal of an ordinance previously adopted by the Board, the ordinance shall become effective or the repealed ordinance shall become void upon certification of the election results. The Manager shall add the new ordinance to or delete the repealed ordinance from the record book and the code of ordinances required in §§ 505 and 506.~~C-41~~, ~~C-42~~ ~~and~~ ~~C-48~~.

H.
If a proposed ordinance or repeal of an ordinance is rejected in the referendum, no further action may be initiated by petition on the same subject within two years from the date of election at which the proposal was defeated. However, the Board will retain the option of adopting a similar ordinance or repealing previous ordinances at its discretion. The Board may take no action to repeal or significantly modify an ordinance adopted by initiative or referendum within a period of two years from the date of the election at which the ordinance was approved.

I.
Initiative or referendum may not be used to alter ordinances enacting or amending the annual operating and capital budgets of the township. However, such action may be taken with respect to any ordinance authorizing the establishment of specific programs or projects. No ordinance enacted by referendum which would affect the revenues or expenditures of the township in the fiscal year in which the ordinance is adopted shall take effect until the succeeding fiscal year.

J.
In the event that two or more ordinances are properly proposed by initiative but are inconsistent, the Manager and the Township Solicitor shall meet with Committees of the Petitioners and seek mutually agreeable adjustments to eliminate the inconsistency. If mutual agreement cannot be obtained, the petition first submitted to the Township Manager pursuant to § 902.B(6) ~~C-66B(6)~~ shall be accepted for further processing.

Article X~~I~~. General Provisions

§ 1001~~C-67~~. Severability.

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

~~§ C-68. Gender.~~

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

**Commented [PM33]:** All gender references throughout the Charter have been updated to be gender neutral.

§ 1002~~C-69~~. Amendment.

This Charter may be amended in the manner provided by law.

§ 1003~~C-70~~. Effective date.

This Charter shall become effective on the ~~fifth~~ ____ day of _____. ~~January 1976, except for the transitional provisions of Article~~ **XII**~~, which shall become effective upon certification of the adoption of this Charter.~~

~~Article XII. Transitional Provisions~~

~~§ C-71. Supervisors.~~

~~A.~~
~~The three Supervisors whose present terms extend past 1975 will continue in office as Supervisors elected at large until the expiration of the terms for which they were elected, in which case the remaining terms under this Charter shall be four years for two Supervisors and two years for one Supervisor. At the municipal election in 1975, a Supervisor will be elected from the township at large to serve for a term of two years.~~

~~B.~~
~~At the municipal election in 1975, a Supervisor shall be elected from each of the three districts established by the Court of Common Pleas as provided by § C-12. The Supervisors from the odd-numbered districts shall be elected for a term of four years. The Supervisor from the even-numbered district shall be elected for a term of two years.~~

~~C.~~

~~At the expiration of the term of office of the initial Supervisors under this Charter, their successors shall serve for four-year terms.~~

~~§ C-72. Officers and employees.~~

~~A.~~
~~General. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are township officers or employees at the time of the adoption of this Charter. An employee holding a township position at the time this Charter takes full effect, who was serving in the same or a comparable position at the time of adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system set forth in § C-45 and in the Administrative Code.[1]~~
~~[1]~~
~~*Editor's Note: See Ch. 4, Administration of Government.*~~

~~B.~~
~~The Auditors in office on the day before the Charter takes effect shall continue in office for the terms for which they were elected or until their death, resignation or removal. Thereafter, the former provisions for three elected Auditors (Former Auditors) shall be discontinued and the functions of that office shall be carried out by the Elected Auditor mandated by this Charter and elected pursuant to Article III. After the date of the adoption of this Charter, no additional Former Auditors shall be elected, and after the effective date of this Charter, the functions presently assigned to the Former Auditors shall be assigned to the Elected Auditor.~~

§ 1004. Elected Auditor.

The elected auditor in office on the day before the Charter takes effect shall continue in office for the term for which they were elected or until their death, resignation or removal. Thereafter, the position of elected auditor shall be discontinued, and the functions of that office shall be carried out as mandated by this Charter.

§ 1005~~C-73~~. Departments, offices, agencies, boards and commissions.

A.
The organization of the township government under this Charter ~~after the fifth day of January 1976~~ shall be as set forth in the Administrative Code, as required by § 601~~C-44~~, ~~and the procedures for initial adoption of an Administrative Code set forth in § C-75~~.

~~B.~~
~~At the effective date of this Charter, all appointive offices previously existing, except those listed in Subsection C hereof, shall be abolished and the terms of all appointed officers shall immediately cease and terminate. However, nothing in this section shall be construed to abolish the office or terminate the terms of office of any official or employee protected by a tenure of office law or 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.[2]~~

**Commented [PM34]:** All transitional provisions have been removed as they are no longer relevant since the Township transitioned from a second class township to a home rule municipality.

**Commented [PM35]:** Clarifies a transition period for any elected auditor that is in place prior to the adoption of the charter amendment, which permits the Township to abolish the elected auditor position.

[2]
*Editor's Note: See Ch. 4, Administration of Government.*

C.
All appointed members of boards, commissions, authorities and committees shall continue in office with the same or similar bodies for the balance of the term of their original appointment. However, nothing in this section shall be construed to limit the right of the Board to create, modify or abolish boards, commissions, authorities and other agencies and special committees as provided in § C-44.

§ C-74. 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 department, office or agency appropriate under this Charter.

§ C-75. Transition Committee.

In order to establish an orderly procedure for transition from the old to the new form of government provided by this Charter and to ensure that all necessary action is taken in order that this Charter will be fully operational on its effective date, the Board shall within 90 days from the adoption of this Charter appoint a Transition Committee, consisting of no more than 11 members, at least two of whom shall be from the Board of Supervisors, at least two from the Government Study Commission and such other qualified citizens as the Board may select to serve on such Committee, to draft the necessary rules, ordinances and regulations as set forth in this section. Within 10 days following election, the new Board of Supervisors shall meet with the Transition Committee to review and prepare the final draft of the below-listed necessary ordinances and any other appropriate ordinances to implement the Charter. They shall adopt these ordinances at the organizational meeting of the new Board as set forth in § C-14. All meetings of the Transition Committee shall be open to the public.
A.
Administrative Code.[1] An Administrative Code shall be written and adopted in accordance with § C-44 and shall include personnel rules and regulations in accordance with § C-45. The provisions of § C-38 hereof shall not apply to the initial adoption of the Administrative Code, provided that a summary thereof shall be advertised at least once in two or more newspapers of general circulation in the township at least seven days prior to the organizational meeting of January 1976 and simultaneously copies of the proposed Administrative Code shall be available at the township office for purchase at a reasonable fee and for inspection.
[1]
*Editor's Note: See Ch. 4, Administration of Government.*

B.
Classification of accounts. A uniform classification of accounts and accounting codes shall be written and adopted in accordance with § C-51.

C.

~~Bonding of officers and employees. Provisions for bonding of officers and employees shall be established as provided by § C-60, such bonds to become effective on the effective date of this Charter.~~

~~§ C-76. Budget for calendar year 1976.~~

~~The Transition Committee may assist the 1975 Board of Supervisors in preparing the budget for the year 1976 in accordance with the organizational structure and uniform classification of accounts and accounting codes to be provided in accordance with § C-75.~~

**Commented [PM36]:** All transitional provisions have been removed as they are no longer relevant since the Township transitioned from a second class township to a home rule municipality.