



**Final Report**  
**February 11, 2016**

James Gray, Chairman  
Rosemary Fiumara, Vice-Chairman  
Joshua Twersky, Treasurer  
Diane Bohr, Secretary  
Andrew Briner  
Matthew Houtmann  
Robert Tribit

**Introduction**

During the General Primary Election on April 26, 2016, Concord Township electors will have the opportunity to vote on the following ballot question:

Shall the Home Rule Charter contained in the report, dated February 11, 2016, of the Concord Township Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Township of Concord?

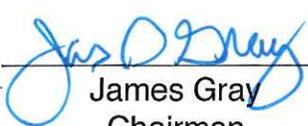
Although the referendum upon the Charter is being held during a primary election, ALL REGISTERED VOTERS WITHIN CONCORD TOWNSHIP ARE ELIGIBLE TO VOTE ON THE CHARTER QUESTION, whether or not they will be eligible to vote to nominate party candidates during that election. This includes independents, non-affiliated voters, minor party members, Republicans and Democrats.

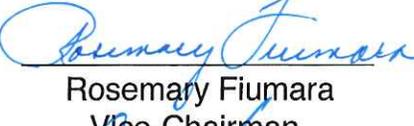
A "YES" will constitute a vote in favor of the Township opting out of governance under the Pennsylvania Second Class Township Code ("2<sup>nd</sup> Class Code") in favor of the Home Rule Charter (the "Charter") attached hereto as Appendix "A." A "NO" will constitute a vote in favor of the Township continuing to be governed by the 2<sup>nd</sup> Class Code.

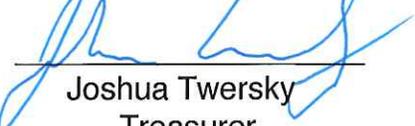
The purpose of this Report is to introduce the Charter to the electorate of Concord Township and provide insight into the logic behind the Concord Township Government Study Commission's (the "Commission's") decision-making process upon its contents. The Commission encourages voters to read this report in tandem with the Interim Report issued on September 3, 2015, which described our decision to draft the Charter rather than recommend that the Township remain a Township of the Second Class or hold a referendum on one of Pennsylvania's established optional plans. The Interim Report is attached hereto as Appendix "B."

For the reasons set forth below, we believe this Charter provides the best and most efficient form of government available to Concord Township under Pennsylvania Law. In addition, we believe the Charter will result in a decrease in the cost of government. Conversely, we believe the 2<sup>nd</sup> Class Code to be antiquated, and to not provide for the most efficient governance of our growing suburban community. Therefore, we recommend a "YES" vote on April 26<sup>th</sup>.

Respectfully submitted to the voters of Concord Township by the Commission:

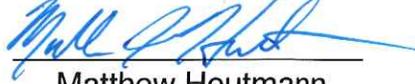
  
James Gray  
Chairman

  
Rosemary Fiumara  
Vice-Chairman

  
Joshua Twersky  
Treasurer

  
Diane Bohr  
Secretary

  
Andrew Briner

  
Matthew Houtmann

  
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## **Background**

### **a. The Interim Report**

Pursuant to Section 2921 of the Pennsylvania Home Rule Charter and Optional Plans Law (the "HRC Law"), 53 Pa.C.S.A. § 2921, the Concord Township Government Study Commission (the "Commission" or the "CTGSC") submits this final report. On September 3, 2015, the Commission issued an interim report (the "Interim Report") that provided background on its formation and the Pennsylvania Home Rule Charter and Optional Plans Law. The interim report also provided an overview of the Commission's activities through that date, and detailed the thought process behind the Commission's decision to proceed to draft and propose to the electorate a home rule charter for Concord Township (the "Charter"). The Interim Report was posted on the Township's website at [www.townshipofconcord.com/files/2015/09/GSC-Interim-Report-final.pdf](http://www.townshipofconcord.com/files/2015/09/GSC-Interim-Report-final.pdf), and remains available at that internet address. The Commission also mailed a copy of the Interim Report to Township residents on October 23, 2015.

### **b. Creating the Charter**

Pursuant to the HRC Law the Commission had a period of nine (9) months from the date it decided it would recommend a home rule charter to Concord Township voters to complete the charter. However, to provide an ample transition period, the Commission endeavored to complete the charter in time to recommend it to the voters by referendum on the ballot of the April 26, 2016 Primary Election. Although the general ballot of a Primary Election is limited to Democratic and Republican voters, all registered electors will be able to vote on the home rule charter referendum.

The Commission engaged the services of the Pennsylvania Economy League ("PEL") to aid it in developing the Charter. While PEL was engaged at a rate of One Hundred Dollars (\$100.00) per hour plus travel expenses with a not to exceed fee of Sixty Seven Thousand Eight Hundred Fifty Dollars (\$67,850.00), after an initial meeting PEL assured the Commission that the actual cost would be much lower than the aforementioned cap. The total cost of PEL's services was Twelve Thousand Five Hundred Dollars (\$12,500.00). PEL's proposal is set forth on the CTGSC website at <http://townshipofconcord.com/files/2015/10/PEL-RFP.pdf>. PEL proved to be an invaluable resource in organizing the Commission members' thoughts regarding a charter into a working document. Links to all PEL handouts are set forth on the CTGSC website at <http://townshipofconcord.com/home-rule-info/> in the middle of the page just before the links to the Commission's meeting minutes. The Commission members received the handouts before each meeting, and each handout topic was the subject of lengthy debate followed by straw polling of Commission members. PEL compiled the results into a draft Charter. From there, the Commission spent several months reviewing and redrafting the language.

A full breakdown of the costs the Commission incurred during the government study process, as well as a list of the in-kind contributions it received from the Township, is attached hereto as Appendix "C." For anyone who desires an understanding of the government study process beyond what is included in this Final Report, a list of resources the Commission members referenced during the process is attached hereto as Appendix "D."

In the public hearing preceding the Commission's decision to proceed to a home rule charter and issue its interim report, the Commission discerned two themes to the public's comments: a number of citizens feel underrepresented by the Township's current government structure; and the public desires the highest level of transparency available without constraining the governing body's ability to govern the Township. We do not believe these two themes to be an indictment of the current supervisors or any of the Township's boards or commissions, which act to a level of transparency that exceeds the requirements of the 2<sup>nd</sup> Class Code<sup>1</sup> and Pennsylvania Sunshine Act.<sup>2</sup> However, these themes provided the pervasive undertone to the discussions among Commission members on the subject matters and language of the Charter.

### **Charter Highlights**

The only way to completely understand the Charter is to read the Charter; we do not believe it can effectively be reduced into a summary. Nonetheless, what follows are highlights illustrating some of the areas where the Charter differs from the 2<sup>nd</sup> Class Code.

#### **a. Governing Body**

The Commission considered six fundamental factors regarding the Township's governing body: the size of its membership; the terms its members would serve; the manner in which its members would be elected; the appropriateness of minority representation; the appropriateness of term limits; and the name by which it would be identified. With regard to the first of those, each Commission member concluded that a seven (7) member governing body would be preferable to the current five (5) member Board of Supervisors. We believe that the growth of the Township has placed additional responsibilities on the governing body. More members sharing those responsibilities will provide for their more efficient execution. That being said, the Commission believed that any more than seven (7) members could be cumbersome and interfere with the smooth operation of the Township.

The Commission members were similarly of a like mind with regard to the terms of the members of the governing body. We believe that the current six (6) year

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<sup>1</sup> 53 P.S. §§ 65101, et seq.

<sup>2</sup> 65 Pa.C.S.A. §§ 701, et seq.

commitment discourages qualified people from running for office due to its length. We also believe that the electors of Concord Township deserve the opportunity to make changes in their governing body more frequently. At the same time, we recognize the need for newly elected officials to have a sufficient opportunity to learn their roles and then prove their merit to the electorate. In recognition of those factors, we believe that a four (4) year term provides the best opportunity for an elected official to both thrive and decide whether to seek reelection, while giving the public an opportunity to assess each person's job performance on a more frequent basis.

The manner in which the governing body would be elected was the most hotly debated topic among the Commission members.<sup>3</sup> All Commissioners thought it important that each elector have the opportunity to elect at least a majority of the Township's governing body. The concept of a purely regional electoral system was quickly eliminated, leaving a decision between an at-large system, as currently exists, or a hybrid system where a fraction of the governing body would be elected at-large, and the remainder would be elected by region. The Commission ultimately decided upon an at-large system of election. We believe that election by region is logical in a municipality with geographic or socioeconomic differences among its electorate, or other unique governmental issues in particular areas. However, we also believe that Concord Township is generally homogenous in those regards. As such, there is no reason to limit the potential number of talented and interested people who may want to represent the Township simply based on geography.

The Commission members considered applying term limits as well as some guarantee for minority representation. Ultimately the Commission decided against these two ideas because the electorate is best suited to determine representation, and should be permitted to do so unencumbered by rules established to limit that selection process.

Finally, the Commission believes that, should the electorate adopt the charter, there should be a convenient way to distinguish between actions of the governing body prior to its effective date and thereafter. We believe that distinction is made simpler by having the governing body that would come to exist under the Charter hold a different title than "Board of Supervisors." Therefore, we titled the governing body under the Charter the "Township Council."

#### **b. Transparency and Access to Government**

As indicated above, the current Board of Supervisors exercises a level of transparency that exceeds the requirements of both the 2<sup>nd</sup> Class Code and the Sunshine Act. However, we were tasked with developing a form of government, and if adopted by the electorate the Charter will outlive the current elected boards' terms. As such, we have developed a means of governance that provides what we believe to be

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<sup>3</sup> For a discussion of the various means of electing a governing body, see the Interim Report, Appendix B, at p.4.

the highest level of transparency available to the public while still allowing the Council to efficiently govern Concord Township.

The Commission placed a great deal of focus on making sure residents will be kept informed with regard to the actions of the Council. We believe that improved awareness as to issues before the Council will lead to collaborative dialogue between the Council and residents. By way of illustration, the Charter requires that all Council regular meeting agendas be made available at the Township and posted on the Township website at least seventy-two (72) hours prior to Council meetings. For special meetings, the posting requirement will be twenty-four (24) hours. To make sure that the Council has the flexibility to govern, the failure to include an item on an agenda will not preclude action on that item. However, the Council will have to announce its consideration of the item and take any public comment about it prior to acting.

Similarly, we have increased the public notice time for ordinances. Ordinances are legislative actions that affect rights. By way of illustration, the Commission has required ordinances to: establish a rule, the violation of which will result in a penalty; grant, renew or extend a franchise; adopt the budget and levy taxes; adopt the long-range operational, fiscal and capital plans; establish any fee. Generally, ordinances will require ten (10) days of public notice, including newspaper publication, publication on the Township website, and posting in a conspicuous location at the Township building. The Commission increased this time period from seven (7) days reasoning that people generally vacation in one (1) week blocks, and the additional publication time would provide the most notice without making it too cumbersome for the Council to govern the Township. The Commission also added the requirement to post ordinances on the Township website prior to adoption, recognizing that many people have forgone newspapers and instead receive their news electronically.

The Commission concluded that certain ordinances are important enough to require additional procedures. As such, ordinances adopting a budget and levying taxes; adopting long-range operational fiscal or capital plans; or establishing a fee require a public hearing at least ten (10) days prior to a final vote on their adoption. This will give the public two opportunities to comment on such actions: once at the public hearing; and again during the comment period for the meeting at which the Council will consider the ordinance.

The Commission recognizes that events may occur that necessitate more immediate action by the Council. As such, the Charter provides for emergency ordinances. During emergencies declared pursuant to the Pennsylvania Emergency Management Services Code, 35 Pa.C.S.A. §§ 7101, et seq., or where a public emergency affecting life, health, property and peace otherwise exists, the Council can adopt an emergency ordinance during the meeting at which it introduces the ordinance. However, an emergency ordinance expires thirty (30) days after its adoption.

### **c. Budgeting and Taxation**

One of the themes of residents' comments to Commission members was a desire to hold spending in check. The 2<sup>nd</sup> Class Code places a taxation limit of 14 mills for general purposes (\$14 per \$1,000 of assessed valuation). 53 P.S. § 68205. The Township's millage for general purposes for 2016 is .294 mills (\$0.294 per \$1,000 of assessed valuation).<sup>4</sup> Thus, under the 2<sup>nd</sup> Class Code, the Supervisors could theoretically raise taxes for general purposes in excess of 4,700% in one year. As with the millage for general purposes, the Supervisors have maintained millage rates well below the limitations in the 2<sup>nd</sup> Class Code for other permissible millages.<sup>5</sup>

The HRC Law precludes home rule charters from including a millage limit. 53 Pa.C.S.A. § 2962. Assessed valuation is established by Delaware County, not the Township. However, as illustrated above, the millage limit set forth in the 2<sup>nd</sup> Class Code has been of very little import in Concord Township to date, and would permit a very significant tax increase. As such, the Commission responded to the concerns of residents about spending with a limit on year-over-year revenue increases. The Charter restricts year-over-year revenue increases from property taxes to five percent (5%). The Council can only exceed that limit with a vote of a supermajority. We believe that the public is more concerned about the annual impact the budget has on their real estate taxes than an arbitrary ceiling that the Township is extremely unlikely to reach. The yearly limit in the Charter is sufficient to allow the Council to govern efficiently while giving voters the solace to know that they are unlikely to face a significant tax increase absent extraordinary circumstances. In addition, this same Charter provision provides a strong incentive to reduce millage after a County-wide property reassessment, which last occurred in the late 1990s. The restriction also incentivizes a property tax reduction when large or numerous new assessments come online.

### **d. Miscellaneous Highlights**

#### **i. Eliminated Positions and Recommendations on Additional Positions**

The Charter would phase out the elected auditor and elected tax collector positions. With regard to the auditors, we believe that most of the necessary audit work is performed by the Township's outside auditors. Numerous factors, most significantly eligibility to receive grant funding, require an independent outside audit performed by certified public accountants, making the concept of elected auditors antiquated.

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<sup>4</sup> The Township has a chart showing the history of its millage rate available for download at [townshipofconcord.com/financial](http://townshipofconcord.com/financial).

<sup>5</sup> Other limitations can be found at section 3205 of the 2<sup>nd</sup> Class Code, 53 P.S. § 68205. The Township assesses only a fraction of the various classes of real estate taxes permissible under the 2<sup>nd</sup> Class Code, and assesses those at a very small fraction of the permissible rates.

The Charter requires the Council to appoint a tax collector. Studying the operation of the Township, the Commission found that much of the tax collection effort is expended by Township employees. As such, we anticipate that the Township will appoint an employee tax collector and retain, with only minor modification, the current process of Township tax collection. Thus, the elected position of tax collector has been eliminated. The net financial benefit of this change will far exceed the modest stipend due to the two additional Council Members. The Commission recommends that the Council permit residents to make in-person tax payments at any time during Township business hours.

We note that, except for the elected positions set forth above, the Charter is not intended to eliminate any Township positions. We believe that the Township operates very efficiently, and that each existing position will remain necessary to that efficient operation in the future, regardless of whether the electorate adopts the Charter.

Additionally, while we did not mandate it in the Charter, we believe that the Township should strongly consider creating a health officer position. While the Commonwealth performs inspections on eating establishments, we believe that the public health of a municipality the size of Concord Township demands a local officer for enforcement of health related ordinances. We also believe that the cost of a health officer can be funded fully through licensure fees.

Finally, we believe that the Charter provides the Township with the flexibility to empower officials to enforce Township ordinances to protect the health, safety and welfare of the residents. While we did not mandate it, we believe that the Township should consider a section of the Administrative Code either creating such positions or empowering existing positions with that responsibility. We once again believe that the Township can add any additional staff necessary to fulfill this recommendation at no cost to taxpayers. The penalties for violations issued by the additional staff members will be sufficient to cover such cost.

## **ii. Restrictions on Council Members and Township Manager**

We have placed additional restrictions on the Council Members to ensure the integrity of the individuals filling those positions. Most significantly, during their tenure and for a period of one (1) year thereafter, Council Members are precluded from either serving as Township employees or being employed by a contractor to the Township or any Township board, commission or authority. All Township contracts will be required to contain a provision precluding the contractor from employing any person whose hiring would be in violation of that provision. We recommend that should the Township form any authorities in the future, it make an analogous requirement part of their bylaws. Other restrictions upon Council Members can be found at Charter Section 2.04.

With regard to the Township Manager, we included prohibitions in order to assure that person's dedication to the position. For example, the Township Manager is not permitted to engage in any other employment during Township business hours; hold

elective office; or hold other public employment. Other restrictions, found at Charter Section 3.04, are of a similar character.

### **iii. Transition to the New Form of Government**

If approved by the Township voters, the new form of government will be effective on January 1, 2017. The Commission desired a smooth transition from the current form to the new form. Therefore, the current five elected Supervisors would continue in office, and would fulfill the full terms to which they were originally elected, but as Council members. In addition, the Commission wanted the two additional Council members to be elected rather than appointed. At the next municipal election in November 2017, Township voters would elect four, instead of the normal two, Council members - two for four-year terms and two for two-year terms. The full complement of seven elected Council members would begin serving in January 2018 forward.

The Charter also provides for a seven-member Transition Committee to assist the Township in completing the transition. The Transition Committee will serve without pay. The Committee will review existing ordinances, rules and regulations to reconcile inconsistencies with the Home Rule Charter, and make recommendations to the Supervisors where such inconsistencies exist. All changes will be presented to the Board of Supervisors for approval before January 1, 2017.

### **Conclusion**

The Commission was tasked with studying the government of Concord Township as well as the forms of government available under the HRC Law to determine whether the Township's government could be: strengthened; made more clearly responsible or accountable to the people; or more economical or efficient. While the current Board of Supervisors operates the Township in an open, transparent, accountable and efficient manner, we find that to be a credit to the individuals comprising the Board, and not a function of the 2<sup>nd</sup> Class Township Code. We also concluded that the optional plans available under the HRC Law would not provide the Township with the most accountable and efficient form of government. We, therefore, crafted a home rule charter that would mandate transparency and accountability of our elected officials; cause them to closely consider their fiscal responsibility to the Township's taxpayers; and still allow the flexibility they need to govern the Township while protecting the health, safety and welfare of our community.

It is important to note that while the Charter mandates two additional elected officials, we believe that the costs saved by eliminating the elected tax collector will far exceed the stipend the two new Council Members will receive. Also, while we are recommending, rather than mandating, additional positions, we conclude that if the Council follows those recommendations the new positions will be self-funding. As such, we believe that we have presented a Charter that will provide cost savings when compared to the current form of Township government.

We remain available to discuss the Charter and its provisions with any concerned voters. At present, we have scheduled forums at the following dates, times and locations:

<b>Date and Time</b>	<b>Location</b>
Monday, April 4, 2016 at 10:00 am	Rachel Kohl Library*
Wednesday, April 13, 2016 at 10:00 am	Rachel Kohl Library*
Thursday, April 14, 2016 at 7:00 pm	Rachel Kohl Library*
Monday, April 18, 2016 at 7:00 pm	Rachel Kohl Library*

\*Rachel Kohl Library, 687 Smithbridge Road, Glen Mills, PA 19342

We hope to schedule additional forums, and will post information on any of those on the Government Study Commission page of the Township website. We can also be reached by e-mail using the format [gsc@concordgsc.org](mailto:gsc@concordgsc.org).

Each of us is proud to present the Charter to the voters of Concord Township. We are confident it provides the best form of government for our Township moving forward. We hope that this Final Report provides you with the information you need to make an informed choice to support the Charter in the April 26, 2016 General Primary Election.

# **Appendix A**

## **Home Rule Charter**

**HOME RULE CHARTER  
OF  
CONCORD TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**ARTICLE I—GENERAL POWERS**

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

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

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

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

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

## ARTICLE II—TOWNSHIP COUNCIL

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

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

### **Section 2.03 - Election and Term.**

- A. All members of Council shall be elected at-large by the voters of the Township and serve a four (4) year term.
- B. In 2017 the voters shall elect four (4) Council members for terms beginning in January 2018; two (2) for a term of four (4) years and two (2) for a term of two (2) years. The elected positions of two (2) year terms shall only be in effect for transition of the Council to seven (7) members and will become four (4) year terms for the election held in 2019. All Supervisors in office as of the Effective Date of this Charter shall remain in office as Council members under this Charter and serve out the remainder of the terms to which they were elected as Supervisors.
- C. **Vacancies in Office.**
  - 1. If the electors of the Township fail to choose a Council member, or if any person elected to Council fails to serve, or if a vacancy occurs by death, resignation, removal of residency from the Township or otherwise unable to fulfill the duties of the office, Council may appoint a successor who is an elector of the Township and has resided in the Township continuously for at least two (2) years prior to appointment.
  - 2. Upon the Council's failure to make the appointment as per 2.03 C 1 above within thirty (30) days after the vacancy occurs, the vacancy shall be filled within fifteen (15) additional days by the Vacancy Board.
  - 3. The Vacancy Board shall consist of the remaining Council Members and one (1) elector of the Township, who shall be appointed by Council at Council's first meeting each calendar year or as soon after that as practical and who shall act as chair of the Vacancy Board. A quorum of the Vacancy Board shall consist of four (4) Members.
  - 4. If the Vacancy Board fails to fill the position within fifteen (15) days, the chair shall, or if there is a vacancy in the chair the remaining members of the Vacancy Board shall, petition the Court of Common Pleas to fill the vacancy.
  - 5. If four (4) or more vacancies in Council exist simultaneously, the Court of Common Pleas shall fill the vacancies upon presentation of a petition signed by not less than fifteen (15) electors of the Township.

6. The successor(s) appointed pursuant to this Section 2.03 C shall hold the office until the first Monday in January after the first municipal election which occurs more than ninety-five (95) days after the appointment occurs, at which election an eligible person shall be elected for the unexpired term(s).

**Section 2.04 - Prohibitions.**

- A. During the term of office, no Council member may:
  1. Hold any other elective public office;
  2. Serve as a Township employee
  3. Serve as a member of any Township authority, board, or commission except where membership on such a body by one or more Council members is provided for in this Charter or applicable law;
  4. Be employed or compensated by any individual or business serving as a contractor to the Township or any Township authority, board, or commission; or
  5. Serve as a paid consultant of the Township or any Township authority, board or commission.
  
- B. For a period of one (1) year after leaving office, no Council member may:
  1. Serve as a Township employee;
  2. Be employed or compensated by any individual or business that served as a contractor to the Township or any Township authority, board, or commission during the time of service as a member of Council; or
  3. Serve as a paid consultant for the Township or any Township authority, board, or commission.
  
- C. The Township shall include a provision in all agreements precluding contractors from employing or hiring during the term of any agreement with the Township any individual whose employment would violate the provisions of this Section 2.04.

**Section 2.05 - Compensation.**

- A. Council shall have the power to fix the annual salary of its members by ordinance. No increase in salary shall become effective for any member of Council until the commencement of a new term of office, and any change in salary must be adopted by ordinance by Council at least twelve (12) months prior to the commencement of a new term.
  
- B. The maximum annual salary of the members of Council shall be that set forth in the Second Class Township Code for a township of identical population, as the same may be amended from time to time.

- C. No member of Council shall receive a Township pension or other employee benefit by virtue of the position as a member of Council. Council members shall be entitled to proper reimbursement of expenses incurred in the performance of their duties and shall also be entitled to reimbursement of expenses incurred when their duties require they travel outside the Township. Reimbursement for such expenses shall have been previously approved by Council and consistent with any established and effective Township policy.

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

**Section 2.07 - Organization.**

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

**Section 2.08 - Meetings.** Council shall establish the time, place, and rules of conduct for its regular and special meetings. Regular meetings shall be held at least once in each calendar month. The agenda of each regular meeting shall be Posted for at least seventy-two (72) hours in advance of the meeting. The Posting requirement for a special meeting shall be twenty-four (24) hours. Failure to include an item as part of the Posted agenda shall not preclude Council from taking action on that item at the meeting, provided that the public shall have the opportunity to comment on such item prior to any action thereupon. Neither public notice nor the Posting of the agenda shall be required during a declared state of emergency.

**Section 2.09 - Powers and Duties.**

- A. Council shall have and may exercise such legislative powers and duties as are conferred or imposed upon it by this Charter, the Administrative Code, Township ordinances or resolutions, and those generally conferred by law to the extent they are not inconsistent with the provisions, spirit, and purpose of this Charter. Specifically, Council shall:
  - 1. Appoint a Township Manager as provided for in this Charter;
  - 2. Adopt or amend by ordinance an Administrative Code and any other code required by this Charter or desirable for the efficient and effective administration of Township government;

3. Make appropriations and/or adopt and amend the Township General Fund, capital, and other required budget and the long-range operational, fiscal, and capital plan as provided for in this Charter;
4. Provide for an annual independent audit of all Township financial transactions as required by this Charter;
5. Make appointments to Township authorities, boards, and commissions as provided for in this Charter or by applicable law;
6. Adopt rules for the organization and the orderly conduct of its affairs;
7. At each reorganization meeting, set the amounts of Bonds for the tax collector, township manager and director of any department permitted to write checks or perform other banking responsibilities on behalf of the Township to ensure the faithful performance of their respective duties; and
8. Approve the compensation of all Township employees.

B. Further, Council shall have and may exercise, but shall not be limited to, the following powers:

1. To adopt, repeal, or amend ordinances, resolutions, and motions.
2. To levy, establish, alter, and abolish taxes except as may be limited by this Charter or applicable law.
3. To create, combine, alter, and abolish any Township division, department, bureau, office, agency, other administrative unit, authority, board, or commission and the functions, powers, and duties thereof in accordance with applicable law and this Charter, except those not subject to change under the terms of this Charter or applicable law.
4. To confirm, by resolution adopted by affirmative vote of at least a Majority of Council, appointments made by the Township Manager as provided for in this Charter or applicable law.
5. To approve, by resolution adopted by affirmative vote of at least a Majority of Council, to initiate and/or settle litigation involving the Township.
6. To approve, by resolution adopted by affirmative vote of at least a Majority of Council, agreements to acquire, lease, sell, convey, vacate, or abandon land, buildings, or other real property.
7. To make or cause to be made such studies, audits, and investigations applicable to Township government as it determines are in the best interests of the Township,

compel the attendance of witnesses and the production of documents and other evidence deemed necessary, and to administer oaths and issue subpoenas signed by the President or Vice President of Council.

8. To require the attendance of any Township employee, and/or any member or employee of any Township authority, board, or commission at any meeting of the Township Council, and to require they provide such reports and information as Council deems appropriate.

9. To exercise the right of eminent domain in keeping with applicable law.

C. Council shall have all necessary, inherent, implied, and incidental powers to perform and execute the duties and functions specified in this section, elsewhere in this Charter, or in applicable law.

D. Council shall have the power to make provisions for any legislative matters applicable to Township government not otherwise provided for, including, but not limited to, those involving the health, safety, and welfare of the residents of the Township and those desirable for the smooth, orderly, and seamless transition to the government structure provided for in this Charter.

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

**Section 2.11 - Ordinance Requirements.**

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

B. Any proposed ordinance may be amended prior to adoption. Any proposed amendments shall be related to the subject of the proposed ordinance and shall require the same number of affirmative votes needed for final passage of the ordinance. If amendments are made in the proposed ordinance before enactment, except for emergency, and budgetary ordinances, Council shall at least ten (10) days before enactment re-Publish a summary describing all the provisions in reasonable detail, together with a summary of the amendments.

C. No proposed ordinance, except an emergency ordinance, may be finally adopted at the meeting at which it is introduced, and, except as may otherwise be provided for in this Charter, the adoption of any ordinance may not occur sooner than the next regular or

special meeting of Council held at least ten (10) days after the proposed ordinance was introduced.

- D. Any proposed ordinance may incorporate by reference all or any part of a: technical code; state law or regulation; or federal law or regulation.

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

- A. In addition to those actions required elsewhere by this Charter or by applicable law to be taken by ordinance, the following actions shall also require an ordinance:

1. Providing a penalty or establishing a rule or regulation for which a penalty is imposed for violation.
2. Amending or repealing any ordinance previously adopted, except as may otherwise be provided for in this Charter or applicable law.
3. Granting, renewing, or extending a franchise.

- B. In addition to other actions this Charter or applicable law may require Council to take by ordinance and on which it must hold a public hearing, the following actions shall require an ordinance and a public hearing at least ten (10) days prior to a final vote:

1. Adoption of the annual General Fund, capital, and other budget including the levying of taxes;
2. Adoption of the long-range operational, fiscal, and capital plan;
3. Establishing any fee, provided that the amount of the fee may be set by resolution.

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

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

**Section 2.15 - Publication of Ordinance.**

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

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

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

- A. No member of Council shall possess or exercise any power of Council unless such power is specifically delegated by this Charter or by a resolution adopted by the affirmative vote of at least a Majority of Council.
- B. Council, its members and committees shall not direct the day-to-day activities of the employees of the Township except through the Township Manager or the Township Manager's designee.
- C. No individual member of Council, or committee thereof, shall publicly or privately give directions or orders to the Township Manager, any employee of the Township, or any member or employee of a Township authority, board, or commission, or in any way

interfere with their work or duties, except as may specifically be provided for in this Charter.

- D. No individual member of Council shall direct or request the Township Manager, any employee of the Township, or any member or employee of a Township authority, board or commission, to appoint, promote, or remove any person, or in any manner take part in, intervene or interfere with, or influence the appointment, promotion, or removal of any person, except as may specifically be provided for in this Charter.

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

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

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

## ARTICLE III—TOWNSHIP MANAGER

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

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

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

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

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

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

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

vote of at least a Majority of Council, may designate an Acting Township Manager from among the Township's administrative officials. Council may change its designation at any time.

### **Section 3.07 - Powers and Duties.**

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

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

## ARTICLE IV—BUDGET AND FINANCE

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

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

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

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

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

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

**Section 4.05 - Public Inspection.** Concurrent with the submission of the proposed budget to Council, the Township Manager shall Post a summary and a complete form of the budget and Publish a summary of the budget. The Published summary shall indicate that a full copy of the

budget is available for public inspection in the Township Manager's office during normal Township business hours.

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

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

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

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

**Section 4.09 - Tax Collection.**

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

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

- A. Beginning in 2018, in no year shall the sum of budgeted Township revenue from Real Estate Taxes be increased by more than five percent (5%) above the preceding year's budgeted revenue from Real Estate Taxes and, if necessary, the Township shall take appropriate action to reduce budgeted revenues to accomplish this. The calculation of this limitation shall exclude tax revenues dedicated to debt service.
- B. Notwithstanding the limitation set forth in Section 4.10 A of this Charter, budgeted Township revenue from Real Estate Taxes may be raised to an amount greater than five

percent (5%) above the preceding year's budgeted Real Estate Tax revenues. Such increase may occur upon adoption by the Council of a resolution by an affirmative vote of at least a Supermajority. Such resolution to exceed the revenue limits shall only be valid for one (1) year.

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

- A. During the first thirty (30) days of any fiscal year, Council may, by resolution adopted by an affirmative vote of at least a Majority of Council, amend the budget in order to correct any technical errors or omissions as defined by Council or the Township Manager.
- B. Prior to February 15 in the year following a municipal election, Council may amend the budget and the rates of taxation by ordinance. Council shall hold at least one (1) public hearing on the proposed amendment(s), commencing not earlier than seven (7) days following introduction of the proposed amendment(s).
- C. Council may by resolution transfer unencumbered monies from one Township account to another, but no monies may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. No monies shall be paid out of the Township treasury except upon appropriation made according to law.
- D. Council may by resolution make supplemental appropriations for any purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the budget adopted by Council for that fiscal year.
- E. No amendment or other change to the budget, including emergency actions, shall:
  - 1. Reduce expenditures required by law, for debt service, or to meet any estimated unpaid obligation; or
  - 2. Cause the total of all budgeted expenditures and other uses in any budget to exceed the total of all budgeted revenues and other sources of income, plus any unreserved fund balance to be used.

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

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

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

- A. Except as otherwise provided in this Charter, the Township may only procure goods, materials, supplies or services whose value exceeds the Bidding Threshold by contract with the lowest responsible bidder after competitive bidding.
- B. The Administrative Code shall establish a procedure for competitive bidding as it shall from time to time deem advisable and in accordance with applicable law and this Charter. Competitive bidding shall not be required for:
  - 1. Labor or services rendered by any Township officer or employee;
  - 2. Contracts for labor, materials, supplies or services aggregating less than the Bidding Threshold;
  - 3. Contracts relating to the acquisition or use of real property;
  - 4. Contracts for professional or unique services or supplies, or for which the Township Engineer has rendered an opinion that a particular item is necessary or in the best interest of the Township due to compatibility with existing capital assets;
  - 5. Contracts for insurance and surety company bonds, except that the use of competitive bidding for such items shall be encouraged where practicable;
  - 6. Contracts for emergency repairs;
  - 7. Contracts with other governmental entities, authorities, agencies or political subdivisions; and
  - 8. Contracts for the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.
- C. The Township shall not make any contract nor incur any obligation unless there is a sufficient unencumbered balance in an appropriation and that sufficient monies therefrom are or will be available to cover the claim or meet the obligation for the then current fiscal year when it becomes due and payable. Any officer authorizing or permitting any contract to be made in violation of this provision shall be subject to removal from office and liable to the Township for any loss incurred as a result of such action.
- D. All contracts of the Township involving sums in excess of an amount specified by Council in the Administrative Code shall be in writing.
- E. The Manager shall execute all contracts on behalf of the Township. Authorization for contracts for the purchase, sale, lease or use of real estate; or for the construction of public capital improvements shall be given by resolution, and such contracts shall be signed by the presiding officer of Council, as well as the Manager. Any officer

authorized to execute a written contract shall submit the form of contract to the Township Solicitor for approval before executing the contract.

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

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

## ARTICLE V—ADMINISTRATION

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

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

## ARTICLE VI—TRANSITIONAL PROVISIONS

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

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

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

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

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

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

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

- A. Upon approval of this Charter by the voters of the Township, a Transition Committee shall be formed to help ensure necessary or desirable transitional activities are successfully carried out, and that this Charter may become fully operational on its Effective Date resulting in a smooth, orderly, and seamless transition from the Township's existing form of government to the form provided for in this Charter.
- B. The Transition Committee shall be composed of seven (7) members: the Township Manager; two (2) Supervisors, two (2) members of the Government Study Commission, and two (2) electors of Concord Township. Members shall be selected by the Board of

Supervisors at its first meeting after the date upon which the Delaware County Board of Elections certifies the results of the April 26, 2016 Primary Election.

C. The Transition Committee shall:

1. Be responsible for drafting, for consideration by Council subsequent to the Effective Date of this Charter, any of the ordinances, rules, and regulations required by this Charter or deemed by the Transition Committee to be appropriate.
2. Engage in other activities it deems appropriate for ensuring transitional activities are successfully carried out so this Charter may become fully operational on its Effective Date resulting in a smooth, orderly, and seamless transition from the Township's existing form of government to the form provided for in this Charter.
3. Meet to organize no later than June 2016, and hold such meetings thereafter as it deems necessary to achieve its purpose.

D. Members of the Transition Committee shall serve without compensation but shall be entitled to reimbursement by the Township for reasonable expenses incurred in the performance of their duties. The Township shall appropriate and pay to the Transition Committee monies deemed by the Transition Committee to be reasonably necessary to fulfill its responsibilities as outlined in this Charter. The Transition Committee may appoint a solicitor, consultants, and clerical assistants to serve at the pleasure of the Committee and may fix reasonable compensation for their services.

## ARTICLE VII—GENERAL/MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

“Effective Date” shall mean January 1, 2017.

“Majority” shall mean:

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

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

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

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

“Supermajority” shall mean:

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

**Appendix B**

**Interim Report**



**Interim Report  
September 3, 2015**

James Gray, Chairman  
Rosemary Fiumara, Vice-Chairman  
Joshua Twersky, Treasurer  
Diane Bohr, Secretary  
Andrew Briner  
Matthew Houtmann  
Robert Tribit

## **Background**

### **a. The creation of the Concord Township Government Study Commission.**

On November 4, 2014, the voters of Concord Township elected the members of the Concord Township Government Study Commission ("CTGSC" or the "Commission"). Specifically, the voters were posed with the following ballot question, and with the election of Commission members in the event of a favorable vote:

Shall a Government Study Commission of seven members be elected to study the existing form of government of the Township, to consider the advisability of the adoption of an optional form of government or a home rule charter, to recommend the adoption of an optional form of government or to draft and recommend a home rule charter?

The voters were in favor of the formation of a Government Study Commission by an almost 2 to 1 margin. The Commission members were elected the same date, and sworn in on November 25, 2014.

### **b. The Home Rule Charter and Optional Plans Law.**

The Commission exists pursuant to Pennsylvania's Home Rule Charter and Optional Plans Law (the "HRC Law"). A simple internet search reveals that law to be available in numerous locations on the internet, including through the Pennsylvania legislature at <http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/53/00.029..HTM>. Its statutory citation is 53 Pa.C.S.A. §§ 2901 et seq.

The HRC Law sets forth the function of a government study commission:

The government study commission shall study the form of government of the municipality to compare it with other available forms under the laws of this Commonwealth and determine whether or not in its judgment the government could be strengthened or made more clearly responsible or accountable to the people or whether its operation could become more economical or efficient under a changed form of government.

53 Pa.C.S.A. § 2918.

Although it gives a government study commission a fairly broad function, the HRC Law goes on to permit a commission to take or recommend only certain actions:

The government study commission shall report and recommend in accordance with the question presented to the electorate as provided in section 2911 (relating to submission of question for election of government study commission):

(1) That a referendum shall be held to submit to the electors the question of adopting one of the optional plans of government authorized by this subpart to be specified by the commission.

(2) That a referendum shall be held to submit to the electors the question of adopting a home rule charter as prepared by the commission and as authorized by this subpart.

(3) That the form of government shall remain unchanged.

(4) Such other action as it deems advisable consistent with its function as set forth in this subpart.

53 Pa.C.S.A. § 2923. The question submitted to the electorate of Concord Township, set forth in subsection a. above, is the broadest form of question permitted under the HRC Law; the alternative questions would have limited the CTGSC's authority to considering the advisability of either a home rule form of government or optional plan form of government. As the question submitted to the voters of Concord Township permitted the CTGSC to consider the advisability of either home rule or optional plan, the Commission had the broadest scope of authority available to it under the HRC Law.

**c. The conduct of the CTGSC to date.**

The HRC Law provides only nebulous guidance on how a government study commission should conduct its analysis. It permits a commission to appoint and set compensation of personnel. 53 Pa.C.S.A. § 2919. As such, after its first meeting, the Commission appointed a solicitor. The HRC Law also encourages government study commissions to solicit public participation:

The government study commission shall hold one or more public hearings, may hold private hearings and sponsor public forums and generally shall provide for the widest possible public information and discussion respecting the purposes and progress of its work.

53 Pa.C.S.A. § 2920. As indicated above, the members of the CTGSC were sworn in on November 25, 2014. Since that date, the Commission has held fifteen (15) public meetings and one (1) public hearing. At the public meetings, the CTGSC accepts public comment on agenda items at the beginning of each meeting, and public comment on any other items of interest at the end of each meeting. The Commission held the public hearing for the purpose of accepting public input on the Township's government

structure. All CTGSC meeting minutes and the transcript of the public hearing are available online at <http://townshipofconcord.com/home-rule-info/>. In addition to its meetings, committees of the CTGSC have held forums at Fox Hill Farms and Maris Grove. The CTGSC has offered to send committees to address and accept input from other communities and community groups, but has not been approached to do so at this point.

The CTGSC has studied the government structure of Concord Township, the First Class Township Code, the Second Class Township Code, Home Rule and each of the available Optional Plans. The Commission received public presentations from the following experts on the following topics:

<b>Date</b>	<b>Presenter</b>	<b>Topic</b>
1-8-15	Elam Herr Pennsylvania State Association of Township Supervisors	Comparison of First Class Townships, Second Class Townships, Home Rule Municipalities and Optional Plans
1-29-15	Marita Kelly Local Government Policy Manager, Governor's Center for Local Government Services	Home Rule and Optional Plans
4-16-15	Jerry Cross & Harry J. Miller Pennsylvania Economy League	Home Rule and Optional Plans for Pennsylvania Second Class Townships

Each expert's presentation to the CTGSC is linked to the website address set forth above.

In addition to the experts, members of the Board of Supervisors attended a Commission meeting to report on their governance of the Township. The CTGSC also held public interviews with the Township's key administrative staff members. Township Manager Brenda Lamanna, Township Treasurer/Finance Director JoAnne Demnicki and Township Director of Code Enforcement Manos Kavadias all provided the Commission with their thoughts on the Township's governmental structure, including areas where the current structure could be improved for efficiency. A committee of the Commission also held an information gathering session with former Township Manager Robert Willert, who provided his view on the strengths and weaknesses of the current structure. Committees of the Commission met with the administration of Middletown and Cheltenham Townships, and reported to the public on those communities' home rule charters.

Although the CTGSC cannot create a referendum regarding a change in the form of government to a Township of the First Class, it has been sensitive to the sentiment of some residents that such a change would be appropriate. As such, it conducted an in depth comparison of the differences between the First Class Township Code and the Second Class Township Code, and presented its findings at one of its public meetings.

## **Findings and Actions to Date.**

### **a. Forms of Government**

It is important to emphasize that the voters charged the CTGSC with the study of the existing form of government of Concord Township. It has not been charged to analyze the decisions of the governing body or its appointees. A limited number of residents have attended CTGSC meetings and expressed criticism of certain actions of the Board of Supervisors. While the form of government may affect who has the power to make certain decisions, our charge was not to analyze particular actions. It is worth noting further that the vast majority of the Board's actions criticized by members of the public in attendance at CTGSC meetings pertained to land use, and were thus governed by Pennsylvania's Municipalities Planning Code (the "MPC"). The MPC is a law of general applicability throughout Pennsylvania, and this applies throughout the Commonwealth without regard to form of government. Thus, the scope of duties of a planning commission, zoning hearing board and elected governing body with regard to land use would be unaffected by a change in form of government.

The May 13, 2015 public hearing evidenced a broad misunderstanding by the public of the various forms of government. As such, the Commission encourages interested residents to review the materials posted on its website. A broad overview is included here.

### **b. Concord Township - a Township of the Second Class**

Concord Township is presently a Township of the Second Class. That class designation is based upon population at the time the designation is made, and does not carry the connotation of being somehow inferior to any other class of municipalities. Second Class Townships are governed by Boards of Supervisors. Each Supervisor is elected at large. An "at large" position is eligible to be voted upon by all registered voters in the Township. An alternative form of voting for members of an elected body is by region, in which case a representative is elected by only one area of the Township, but still has an equal say with regard to all decisions of the governing body, regardless of the area of the Township those decisions affect. Some forms of government also offer the possibility of a hybrid means of electing the governing body, with some members elected at large and others elected by region. A Township of the Second Class can have 3 or 5 Supervisors. Concord Township currently has 5, and cannot increase the membership of the Board of Supervisors within the constraints of the Second Class Township Code. Supervisors serve for six (6) year terms.

Townships of the Second Class also have a Tax Collector and a Board of Auditors consisting of three (3) members. The elected Tax Collector serves for a four (4) year term and the elected members of the Board of Auditors serve for six (6) year terms. Like the Supervisors, the Tax Collector and members of the Board of Auditors are elected at large. The Commission notes that many grant programs and other

Township financial functions require that the Township be audited by an independent CPA firm, a function related to but distinct from that of the Board of Auditors.

**c. Townships of the First Class**

Townships of the First Class are governed by Boards of Commissioners. The Courts, upon petition, have the power to divide a Township of the First Class into wards, which are regions within the Township. If a Township of the First Class is not divided into wards, its Board consists of five (5) Commissioners, each elected at large. If a Township is divided into fewer than five (5) wards, then each ward elects a Commissioner, and a number of Commissioners equal to the difference between five (5) and the number of wards are elected at large. If a Township of the First Class is divided into five or more wards, each ward elects a Commissioner. A Township of the First Class may be divided into up to fifteen (15) wards. Commissioners of a Township of the First Class serve a four (4) year term. Townships of the First Class also elect a Treasurer at large for a four (4) year term.

One of the major differences between First and Second Class Townships is the provisions relating to law enforcement. The First Class Township Code states:

The board of township commissioners **shall**, subject to the civil service provisions of this act, appoint and fix the number, rank and compensation of the members of the township police force.

53 P.S. § 56401 (emphasis added). While it appears that the commissioners are able to set that number at zero, we note that every First Class Township in Delaware County has a full time police force. The following corollary language of the Second Class Township Code provides Supervisors with more flexibility:

The board of supervisors **may** by resolution create or disband a police force within the township or, upon the petition of not less than twenty-five registered electors or taxpayers of the township, appoint police officers.

53 P.S. § 66901 (emphasis added). The civil service provisions of the First Class Township Code, referenced in the section quoted above and set forth in detail at 53 P.S. §§ 55625 et seq. restrict a First Class Township's flexibility in hiring, discipline and termination of police officers. Corollary provisions applicable to Townships of the Second Class apply only to discipline and termination, not hiring.

**d. Optional Plans**

The CTGSC found difficulty with each of the Optional Plan forms of government. The primary concern with each of the mayor/council plans was the placement of too much control in the hands of one person. Similarly, the council/manager plan places

day-to-day control in the hands of the appointed manager. While this is not dissimilar to Concord Township's current structure, the constraints put on the dismissal of the appointed manager contrasts with the at-will nature of the current manager's employment.

**e. Home Rule**

Home rule is more of a blank slate. Because the limitations on home rule powers are important for Township residents to understand, the section setting forth such limitations is attached verbatim as Appendix A to this report. With the exception of those limitations, home rule provides the opportunity to tailor a structure that best fits the needs of a particular municipality.

**The CTGSC's initial vote on Concord Township's government structure.**

On July 16, 2015, the CTGSC voted to proceed to draft a home rule charter that it will recommend to the voters of Concord Township. As indicated above, the Commission was able to dismiss the Mayor/Council optional plans rather easily based on its members' opinions that those plans rested too much power in the hands of one person. The Commission dismissed the Council/Manager optional plan with some more difficulty. That plan is relatively similar to the current structure of Concord Township. However, it makes it difficult for the elected governing body to dismiss its appointed manager. The Commission feels that with the high level of responsibility vested in the manager for the day-to-day operation of the Township, the governing body must have more control over that person's terms of employment than are afforded by the Council/Manager plan.

The Commission strongly considered maintaining the current government structure. Since its inception, the CTGSC has received relatively little criticism of the current form of government under the Second Class Township Code. The majority of resident complaints to Commission members pertained to decisions made by the Supervisors, rather than being germane to the form of government. However, a number of residents indicated a desire for some form of regional representation. Others suggested term limits for the chairmanship of the governing body. While those were the most common, the exclusion from this report of other comments made to the Commission with regard to the Township's governmental structure is for the purpose of brevity only. Residents are encouraged to review the transcript of the public hearing, available at the website set forth above, as well as the minutes of the CTGSC's meetings, to get a fuller understanding of the comments presented to the Commission. In addition, the Commission believes that there are some inefficiencies in the Second Class Township Code that it can address through a home rule charter.

**CTGSC's review of the First Class Township Code.**

While the HRC Law does not provide the CTGSC with the option to create a referendum on whether the Township should become a Township of the First Class, the

Commission remains cognizant of the petition to place that question before the voters and the ensuing litigation. As one of the Commission's functions is to comment upon other available forms of government, the Commission undertook a study of the First Class Township Code, and contrasted it to the Second Class Township Code. In doing so, the CTGSC formed the opinion that were it within the Commission's purview to recommend a referendum as to whether to adopt the First Class Township Code in Concord Township, it would nevertheless still have chosen to recommend that the voters consider a home rule charter.

The Commission strongly believes that representation on a governing body exclusively by region would not be beneficial to the residents of the Township. Rather, the CTGSC believes that each elector should have the chance to vote for at least a majority of the Township's governing body.

The CTGSC is also concerned with the complete lack of any continuity in the transition from a Second Class to a First Class Township. The transition to a Township of the First Class would be sudden rather than gradual, with all current Supervisors' terms ending the first Monday in January succeeding a vote to change the Township's classification. At that point, the courts, rather than the voters of Concord Township, would appoint a governing body of five (5) members and a treasurer for the Township. The individuals appointed by the court would hold office until the first Monday of January after the next municipal election following their appointment; a period that could be up to two (2) years.

The possibility that five (5) people not accountable to the voters for their decisions could be placed in control of the Township for up to two (2) years is disconcerting. The possibility that the court could appoint a treasurer likewise unaccountable is equally troubling. While the Township is optimistic that the court would appoint people who would look out for the best interests of the Township, the actions these court appointed individuals take have the potential to be long-lasting and not in the direction desired by Concord Township voters. The Commission is aware that elected officials can be subject to the same flaws as appointed officials. But, it believes that the Township residents, rather than the courts, should have the opportunity to vet and decide upon the members of their governing body.

The CTGSC is also troubled by the possibility of six (6) appointed officials with no knowledge of the Township's operation being charged to suddenly take that operation over without any current officials remaining. The laws applicable to the election of municipal governing bodies consistently stagger the terms of their members, so that municipalities are not faced with people who have no knowledge of governance suddenly being forced to govern without any guidance. The transition to a Township of the First Class is an exception to that rule, and in the Commission's opinion that exception is ill-advised.

The Commission is also troubled by the fact that each and every Township of the First Class in Delaware County has a police force, and concerned that Commissioners

would be pressured into creating one in Concord. Residents who spoke to CTGSC members on this issue consistently expressed their satisfaction with the current policing of the Township. And, the fiscal effects of a police department, with the costs of salaries, benefits including pensions, equipping and housing a police force would be staggering. The Commission believes that the decision to establish a police force is one that should be in the hands of Township Supervisors or the voters via referendum.

### **Conclusion.**

The CTGSC has put a great deal of effort into studying the various forms of government that could be available to the residents of Concord Township. It believes that the development of a home rule charter can address the growth of the Township and the concerns of its residents. Home rule provides more flexibility to tailor the structure of the government to the needs of its residents than any other form of government in Pennsylvania.

Over the coming months, the Commission will study each of the comments and concerns expressed to it by Township residents and attempt to develop a governmental structure that provides for the Township's and its citizens' needs and operates in the most efficient manner practical, while still giving the governing body the authority and flexibility it needs to make the operational decisions set before it.

Residents are encouraged to attend Commission meetings and future forums. Residents may also address Commission members via e-mail. Each Commission member has an e-mail address in the format (first initial)(last name)@[concordgsc.org](mailto:concordgsc.org).

## APPENDIX A

### Section 2962. Limitation on municipal powers

**(a) Powers granted by statute.** – With respect to the following subjects, the home rule charter shall not give any power or authority to the municipality contrary to, or in limitation or enlargement of, powers granted by statutes which are applicable to a class or classes of municipalities:

- (1) The filing and collection of municipal tax claims or liens and the sale of real or personal property in satisfaction of them.
- (2) The procedures in the exercise of the powers of eminent domain and the assessment of damages and benefits for property taken, injured or destroyed.
- (3) Boundary changes.
- (4) Regulation of public schools.
- (5) The registration of electors and the conduct of elections.
- (6) The fixing of subjects of taxation.
- (7) The fixing of the rates of nonproperty or personal taxes levied upon nonresidents.
- (8) The assessment of real or personal property and persons for taxation purposes.
- (9) Defining or providing for the punishment of any felony or misdemeanor.
- (10) Municipal planning under the act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code.

**(b) Taxing power.** – Unless prohibited by the Constitution of Pennsylvania, the provisions of this subpart or any other statute or its home rule charter, a municipality which has adopted a home rule charter shall have the power and authority to enact and enforce local tax ordinances upon any subject of taxation granted by statute to the class of municipality of which it would be a member but for the adoption of a home rule charter at any rate of taxation determined by the governing body. No home rule municipality shall establish or levy a rate of taxation upon nonresidents which is greater than the rate which a municipality would have been authorized to levy on nonresidents but for the adoption of home rule charter. The governing body shall not be subject to any limitation on the rates of taxation imposed upon residents.

**(c) Prohibited powers.** – A municipality shall not:

(1) Engage in any proprietary or private business except as authorized by statute.

(2) Exercise powers contrary to, or in limitation or enlargement of, powers granted by statutes which are applicable in every part of this Commonwealth.

(3) Be authorized to diminish the rights or privileges of any former municipal employees entitled to benefits or any present municipal employee in his pension or retirement system.

(4) Enact or promulgate any ordinance or regulation with respect to definitions, sanitation, safety, health, standards of identity or labeling pertaining to the manufacture, processing, storage, distribution and sale of any foods, goods, or services subject to any Commonwealth statutes and regulations unless the municipal ordinance or regulation is uniform in all respects with the Commonwealth statutes and regulations thereunder. This paragraph does not affect the power of any municipality to enact and enforce ordinances relating to building codes or any other safety, sanitation or health regulation pertaining thereto.

(5) Enact any provision inconsistent with any statute heretofore enacted prior to April 13, 1972, affecting the rights, benefits or working conditions of any employee of a political subdivision of this Commonwealth.

**(d) Reduction of police force.** – Notwithstanding any provision of this subpart or any other statute to the contrary, any municipality that is or was a city of the second class A may reduce its police force or its firefighting force for economic reasons, as determined by ordinance.

**(e) Statutes of general application.** – Statutes that are uniform and applicable in every part of this Commonwealth shall remain in effect and shall not be changed or modified by the subpart. Statutes shall supersede any municipal ordinance or resolution on the same subject.

**(f) Regulation of business and employment.** – A municipality which adopts a home rule charter shall not determine duties, responsibilities or requirements placed upon businesses, occupations and employers, including the duty to withhold, remit or report taxes or penalties levied or imposed upon them or upon persons in their employment, except as expressly provided by statutes which are applicable in every part of this Commonwealth or which are applicable to all municipalities or to a class or classes of municipalities. This subsection shall not be construed as a limitation in fixing rates of taxation on permissible subjects of taxation.

**(g) Regulation of firearms.** – A municipality shall not enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.

**(h) Levying taxes.** – This section does not limit or take away any right of a municipality which adopts a home rule charter from levying any tax which it had the power to levy had it not adopted a home rule charter.

**(i) Establishment of rates of taxation.** – No provision of this subpart or any other statute shall limit a municipality which adopts a home rule charter from establishing its own rates of taxation upon all authorized subjects of taxation except those specified in subsection (a)(7).

**(j) Retroactive fee increase prohibited.** – A municipality which adopts a home rule charter may not retroactively increase any fee or charge for any municipal service which has been provided.

**Appendix C**

**Financial Report**

CONCORD TOWNSHIP GOVERNMENT STUDY COMMISSION  
FINAL REPORT FINANCIAL

DATE	PAY TO THE ORDER OF	DESCRIPTION	AMOUNT	LEGAL ASSISTANCE	CLERICAL ASSISTANCE	CONSULTANTS/ RESEARCH	PRINTING	TRAVEL/PLANNING/ OPERATIONAL
12/29/2014	GARNET VALLEY PRESS	MEETING ADVERTISING	85.78				85.78	
12/29/2014	OFFICE BASICS INC	NAME PLATES	75.60				75.60	
01/29/2015	BANK OF AMERICA	TAPE RECORDER	89.99				89.99	
02/26/2015	HOMERULE PA-7 COPIES	COPIES	105.00				105.00	
02/26/2015	MADDREN LAW OFFICE LLC	LEGAL	795.00	795.00				
02/27/2015	TWERSKY, JOSHUA	DOMAIN NAME	9.17					9.17
02/27/2015	TWERSKY, JOSHUA	EMAIL HOSTING	356.16					356.16
03/31/2015	MADDREN LAW OFFICE LLC	LEGAL	1,125.00	1,125.00				
04/30/2015	MADDREN LAW OFFICE LLC	LEGAL	1,005.00	1,005.00				
05/27/2015	DELAWARE COUNTY TIMES	MEETING ADVERTISING	140.62				140.62	
05/27/2015	MADDREN LAW OFFICE LLC	LEGAL	1,770.00	1,770.00				
05/27/2015	OFFICE BASICS INC	NAME PLATE	10.80				10.80	
05/27/2015	GERRITY, NORMA RPR	COURT REPORTER	406.00		406.00			
06/29/2015	MADDREN LAW OFFICE LLC	LEGAL	2,550.00	2,550.00				
07/29/2015	MADDREN LAW OFFICE LLC	LEGAL	1,290.00	1,290.00				
08/26/2015	MADDREN LAW OFFICE LLC	LEGAL	2,280.00	2,280.00				
08/26/2015	DELAWARE COUNTY TIMES	MEETING ADVERTISING	69.73				69.73	
09/30/2015	LANE SIGN COMPANY, LLC	BANNER	128.00				128.00	
10/30/2015	ROBERT TRIBIT	BUSINESS CARDS	34.53				34.53	
12/28/2015	MADDREN LAW OFFICE LLC	LEGAL	7,725.00	7,725.00				
12/28/2015	DELAWARE COUNTY TIMES	MEETING ADVERTISING	58.29				58.29	
01/28/2016	DELAWARE COUNTY TIMES	MEETING ADVERTISING	127.36				127.36	
01/28/2016	TWERSKY, JOSHUA	DOMAIN NAME	18.17					18.17
01/28/2016	MADDREN LAW OFFICE LLC	LEGAL	2,850.00	2,850.00				
01/28/2016	PENNSYLVANIA ECONOMY LEAGUE	CONSULTING	12,500.00			12,500.00		
03/01/2016	TWERSKY, JOSHUA	EMAIL HOSTING	336.00					336.00
03/01/2016	MADDREN LAW OFFICE LLC	LEGAL	8,490.00	8,490.00				
03/01/2016	** MADDREN LAW OFFICE LLC	LEGAL	3,000.00	3,000.00				
03/01/2016	GERRITY, NORMA RPR	COURT REPORTER	645.85		645.85			
TOTAL			48,077.05	32,880.00	1,051.85	12,500.00	925.70	719.50

\*\* anticipated through Primary Election

**In-Kind Contributions from Concord Township** (estimated through Primary Election)

- Meeting space, office supplies & legal advertisements (estimated value \$1,000)
- Printing and mailing to Township residents - Interim report (estimated value \$8,200)
- Printing and mailing to Township residents - Final Report (estimated value \$15,000)
- Outreach to Township residents (estimated value \$5,000)

# **Appendix D**

## **Resources**

## **Resources**

The Concord Township Government Study Commission relied upon the following resources while studying the available forms of government and crafting the Home Rule Charter:

### **Pennsylvania Laws**

Second Class Township Code

First Class Township Code

Home Rule and Optional Plans Law

Local Tax Collection Law

Public School Code

Public Library Code

Local Taxing Enabling Act

### **Documents from Pennsylvania Governor's Center for Local Government Services**

Home Rule in Pennsylvania, Eighth Edition, November 2013

Home Rule in Pennsylvania, Seventh Edition, March 2003

Township Commissioner's Handbook, Third Edition, November 2005

Township Supervisors Handbook, Eleventh Edition, November 2005

Township Supervisors Handbook, Twelfth Edition, July 2015

Open Meetings The Sunshine Act, Third Edition, June 2014

Citizen's Guide to Pennsylvania Local Government, Tenth Edition, November 2010

Citizen's Guide to Pennsylvania Local Government, Eighth Edition, June 2003

Solicitor's Handbook, Third Edition, April 2003

Tax Collector's Manual, Seventeenth Edition, April 2007

Regional Police Services in Pennsylvania, Tenth Edition, June 2011

Administering Police Services in Small Communities, Sixth Edition, November 2010

Manual for Municipal Secretaries, Thirteenth Edition, October 2004

### **Documents from Pennsylvania Department of Community and Economic Development**

Home Rule in Pennsylvania, Briefing Slides, date unknown

Home Rule in PA – Beginning Government Study Commission Process, date unknown

### **Documents from Pennsylvania Economy League**

Home Rule in Pennsylvania, Briefing Slides, date unknown

### **Commonwealth of Pennsylvania State Documents**

The Pennsylvania Manual, Volume 121, 2003

The Tax Compendium, December 2014

### **United States Documents**

Pennsylvania: 2010, Population and Housing Unit Counts, US Census 2010, by US Department of Commerce, August 2012

### **Documents from The Institute for Public Policy & Economic Development**

A Primer on Home Rule, 2009 (prepared for Luzerne County)

### **Internet documents**

Reporter's Guide to Pennsylvania Local Government, Home Rule, April 23, 2010 at 11:39 pm  
(<https://pennreporter.wordpress.com/home-rule/>)

Reporter's Guide to Pennsylvania Local Government, Taxes, April 26, 2010 at 1:48 am  
(<https://pennreporter.wordpress.com/taxes/>)

### **Pennsylvania General Assembly**

Report on Police Consolidation in Pennsylvania, by Legislative Budget and Finance Committee, September 2014

Pennsylvania Legislator's Municipal Deskbook, Fourth Edition, by Local Government Commission, October 2014

Pennsylvania Legislator's Municipal Deskbook, Third Edition, by Local Government Commission, Update 2007

### **Briefings to Concord Township Government Study Commission**

A Comparison: First Class Townships vs. Second Class Townships by Elam Herr, Pennsylvania State Association of Township Supervisors, Jan 18, 2015

Home Rule in Pennsylvania 2015 – Overview by Marita Kelly, Pennsylvania Department of Community & Economic Development, January 29, 2015

Home Rule Basics by Marita Kelly, Pennsylvania Department of Community & Economic Development, January 29, 2015

Home Rule and Optional Plan Government for Pennsylvania Second Class Townships by Gerry Cross, Pennsylvania Economy League, Apr 16, 2015

Home Rule Charter Drafting by Gerry Cross, Pennsylvania Economy League, September 3, 2015

### **Delaware County Documents**

2014 Tax Rate Table, County of Delaware [www.co.delaware.pa.us](http://www.co.delaware.pa.us), July 16, 2014

Delaware County Municipalities, Total Decennial Population, 2010 & 2000, March 9, 2011

Delaware County 2025 Municipal Population Forecasts, Delaware Valley Regional Planning Commission (DVRPC), revised February 2002

Delaware County Population Estimates by Municipality 2000 – 2008, Delaware County Planning Department, July 2009

Delaware County Population by Municipality 1980 – 2000, Delaware County Planning Department, revised April 2003

**Home Rule Charters**

Cheltenham Township

Middletown Township

Carlisle Borough

Altoona City

Haverford Township

Lackawanna County

Luzerne County

Delaware County

Radnor Township

Whitemarsh Township

Upper Darby Township

Plymouth Township (Montgomery County)

Plymouth Township (Luzerne County)

**Concord Township Documents**

Township of Concord Audited Financial Statements, December 31, 2013, Leitzell & Economids, PC, Certified Public Accountants

Concord Township Voter Precinct Map, revised Oct 2011

Concord Township 2014 Budget, adopted December 17, 2013

Concord Township 2015 Budget, adopted December 16, 2014

Concord Township 2016 Budget, adopted December 15, 2015

2016 Community Tax Structure

Concord Township Millage Rate History 2000 – 2016

Concord Township Administrative Code (<http://ecode360.com/CO1622?needHash=true>)