

**HOME RULE CHARTER OF
WEST PIKELAND TOWNSHIP**

April 2, 2008

HOME RULE CHARTER OF WEST PIKELAND TOWNSHIP

Preamble

“I like the dreams of the future better than the history of the past.”

~ Thomas Jefferson

When drafting this charter we looked to those who have gone before us for guidance. In doing so we have been guided by several principals, including George Washington’s observation that “To form a new Government, requires infinite care, and unbounded attention; for if the foundation is badly laid the superstructure must be bad.” To that end we have drafted a comprehensive document with both a pragmatic and a philosophical bent.

Township citizens have a right to expect a carefully crafted, logically organized, structurally consistent governmental document tailored to local needs. Consequently, this charter not only sets forth the procedures by which the Township is to be governed, but also, in each section’s preamble, the underlying philosophy that drives those procedures.

In our drafting we have also been influenced by Thomas Jefferson’s astute observation that, “That government is the strongest of which every man feels himself a part.” Therefore, we have drafted a charter that champions the tripartite values of active participation, quality of life, and principled representation.

Active participation is fostered by defining clear opportunities for Township citizens to engage the democratic process in its most meaningful way - by having a real voice in their government. We accomplish this by instituting public procedures that ensure citizens early access to information, meaningful input into the decision-making process, and a mechanism through which citizens can bypass unresponsive elected officials, taking issues directly to the electorate.

Ensuring principled representation by elected officials assures citizens that their leaders appreciate the mantle of trust which accompanies elected office. To that end, we have enumerated ethical guideposts and financial roadmaps. Principled officials embrace ethical guidelines and welcome fiscal constraints as restatements of their own personal commitment to public service.

Quality of life, while an ephemeral concept, is a palpable value, and citizens have an absolute right to enjoy it. Stewardship of natural resources, including open space and scenic vistas, and the preservation of our shared heritage in Township historic and cultural icons, unites us all. This charter encourages good stewardship and preservation.

Through these principles, our aim is to fulfill Alexander Hamilton’s promise to the New York Ratifying convention in 1788, when he said “Here, sir, the people govern.”

Article I.

General Powers and Provisions

Section 1.01 *Name and Boundaries*

The home rule municipality of West Pikeland Township shall continue as a municipal corporation under the name, "West Pikeland Township." The boundaries of the Township shall be the actual boundaries of West Pikeland Township, a second class Township, on the effective date of this Charter and as may lawfully be changed thereafter.

Section 1.02 *Severability*

If any provision of this Charter is held invalid by any court of competent jurisdiction, the remaining provisions shall not be affected thereby, and shall remain in full force and effect. If the application of this Charter or any of its provisions to any person or circumstance is held invalid by a court of competent jurisdiction, the application of this Charter and its provisions to all other persons or circumstances shall not be affected thereby.

Section 1.03 *Powers and Duties of the Township*

- A. **Powers.** The Township has and may at any time exercise any power and may perform any function not denied by the Constitution of the United States, the Constitution of Pennsylvania, the General Assembly, or this Charter, all as may be amended.
- B. **Construction/Interpretation.** The powers of the Township under this Charter shall be interpreted broadly in favor of the Township, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this section. All possible powers of the Township, except as limited in this section, are to be considered as if specifically and individually set forth in this section, whether such powers are presently available to the Township or may hereafter from time to time become available. Nouns and pronouns of the masculine gender shall include the feminine.
- C. **Regional Cooperation and Intergovernmental Relations.** The Township is empowered to enter into and withdraw from cooperative programs with any government, political subdivision, agency, instrumentality, authority, or bureau thereof. The Township is urged to participate in regional and inter-municipal cooperation whenever efficiency or economy of services can be improved.

Section 1.04 *Definitions of Terms Used in this Charter*

- A. **Absolute Majority** – An affirmative vote of the Board by at least one more than half the number of supervisors then authorized on the Board of Supervisors, including vacant seats.
- B. **Annual Meeting** – Annual organizational meeting of the Board to be held on the first Monday in January each year. If the first Monday is a legal holiday, the annual meeting shall be held the first day following which is not a legal holiday.

- C. Board - The Board of Supervisors for West Pikeland Township.
- D. Charter – The Home Rule Charter of West Pikeland Township in Chester County, Pennsylvania.
- E. Code – The Township’s Administrative Code, which is a compilation of regulations of the Township that has the force of law. The Administrative Code presents a collated version of the regulations, incorporating all additions and deletions. Like statutory codes, the Code is organized by subject matter and is updated regularly.
- F. Commission – Any standing committee created by ordinance.
- G. Committee – Any group defined by a motion or resolution of the Board.
- H. Debt – All obligations for payment of money as set forth in the Local Government Unit Debt Act (hereinafter “the Debt Act
- I. General election – The election required by the Constitution of Pennsylvania to be held in even-numbered years.
- J. General Law – All laws that are uniform and applicable throughout the Commonwealth.
- K. Manager –Township Manager.
- L. Motion - Formal mode by which a supervisor submits a proposed measure or resolution for the consideration and action of the Board at a public meeting.
- M. Municipal election - The election required by the Constitution of Pennsylvania to be held in odd-numbered years.
- N. Ordinance – An action by the board which requires a formal advance notification process to create or dissolve.
- O. Posted – Process by which information—such as announcements, proposed legislation, documents, and budgets—is made available to the public by means of Township-controlled communications methods, including (1) placement on all communications media on which content is substantially controlled by the Township, including bulletin boards, website(s), cable television sites or other electronic communications media; (2) distribution by electronic mail to Township residents and property owners who have provided valid electronic mail addresses to the Township; and (3) placement of information in an accessible location at the Township office and other locations the Township may designate from time-to-time in the Code. The information shall remain available to the public until all actions concerning the issue are complete.
- P. Published – Process by which information—such as announcements, proposed legislation, documents, and budgets—is made available to the public by causing the information to be printed in one or more newspapers of general circulation in the Township as defined by 45 Pa.C. S.§ 101(a).

- Q. Registered voter - Any person who possesses all the qualifications of an elector and who has legally registered to vote.
- R. Resolution – An action by the Board which does not require a formal notification process that is adopted by a majority vote of the Board members present at the meeting where the resolution is proposed.
- S. Solicitor – Person who serves as the legal counsel for the Township, including the Board, the Manager, and departments and agencies thereof.
- T. Township - West Pikeland Township in Chester County, Pennsylvania.

Article II.

Board of Supervisors *Executive and Legislative Powers*

Preamble

“The good of the people is the highest law.”
– Cicero

A supervisor is an officer of the Township whose main concern is the well-being of the Township and its citizens. As such, each supervisor puts forth his best ideas and efforts in an assertive, yet cooperative way. To that end, each supervisor, while advocating for his own position, also takes into consideration the valid positions of fellow supervisors so that all facets of the issue are explored. Recognizing that on occasion a supervisor’s personal preference may conflict with the best interests of the Township, a supervisor puts the Township’s best interests first. A supervisor recognizes that the merits of the issue at hand, rather than those who may support or oppose that issue, should determine the decision made.

Section 2.01 *The Board of Supervisors*

- A. **General Provisions.** The governing body of the Township shall be known as the Board of Supervisors and shall be comprised of five members elected from the Township at large. The Board may create, modify or abolish and prescribe the functions of Township departments, offices and agencies consistent with the law and this Charter. The Board may create, modify or abolish boards, commissions, authorities, agencies and committees; prescribe their organization and functions, and appoint, suspend or remove the members of such boards, commissions, authorities, agencies and committees by an absolute majority vote of the Board, all if consistent with the law and this Charter. The Board shall adopt by ordinance a Code which shall provide for the administrative organization of the government, the assignment of duties and responsibilities to officers and employees, and the procedural requirements set forth by law or this Charter, as supplemented by the Board. All changes in organization and procedures set forth in the

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

- B. **Election.** The procedure for the nomination and election of members of the Board shall be as provided in the Election Laws, 25 P.S. § 2600, *et seq.*
- C. **Qualifications.** A supervisor must be a citizen of the United States, a registered voter, and have resided in the Township continuously for at least one year at the time of nomination or at the time of appointment to fill a vacancy. In addition, the individual must not otherwise be disqualified from office by the terms of the law or this Charter.
- D. **Term.** Supervisors currently elected to fill a six (6) year term will complete that term. All future terms will be limited to four (4) years beginning the first Monday of January following the year in which they are elected. If the first Monday is a legal holiday, said terms shall begin the first day following which is not a legal holiday. Supervisors are limited to two (2) consecutive terms. At the end of their second term, they must wait two years before they can be placed on the ballot as a candidate for supervisor or appointed to fill an unexpired term.
- E. **Authority.** All authority shall reside solely with the Board. No individual supervisor shall have any authority under this Charter, unless such authority is specifically delegated by the Charter or by the supervisors acting as a body.
- F. **Prohibitions.** No supervisor shall hold any other appointed or elected office, employment or position in the Township during the term for which that supervisor is elected or appointed to the Board. No former supervisor shall hold any Township office, employment or position, nor shall any such supervisor act as a paid consultant to the Township, until one (1) year after the expiration of the term for which that supervisor served on the Board.
- G. **Compensation.** Supervisors shall receive compensation as set forth in the Pennsylvania Second Class Township Code, 53 P.S. § 65606, as may be amended. Supervisors shall receive no other compensation, direct or indirect, for the performance of their duties and shall not be eligible for any Township pensions or other fringe benefits. However, supervisors shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of their duties as shall be established in the Code or other ordinance.

Section 2.02 *Organization of the Board*

The Board shall hold an annual meeting and organize itself by electing one of its members as chairman and one of its members as vice-chairman, each of whom shall hold such office at the pleasure of the Board.

Section 2.03 Powers of the Board

- A. **Executive Powers.** All powers and duties of the Township, including those set forth in the law and this Charter, shall be exclusively vested in, and exercised by the Board, and shall include the following:
1. Adopting a budget, making appropriations for expenditures for lawful purposes, and levying taxes;
 2. Appointing a Manager, Treasurer, Solicitor(s), Engineer(s), police and other officers and departments, as needed, and delegate to those persons all or any part of the Board's administrative functions;
 3. Creating and filling such Township offices and employment, on such terms, conditions and compensation as it deems necessary for the efficient administration of the Township; and
 4. Adopting a Code as defined in Article III, Section 3.01B.
- B. **Legislative Powers.** The Board shall make and adopt all such ordinances, resolutions, by-laws, rules and regulations as may be deemed necessary or expedient for the proper management, care and control of the Township, its finances, its commerce, its environment and its citizens.

The Board may adopt ordinances and resolutions and prescribe fines and penalties for violation of Township ordinances, consistent with the law. All official actions taken by the Board shall be consistent with Article IV , Section 4.01 of this Charter.

Section 2.04 Filling Board Vacancies

- A. **Vacancy.** The office of supervisor shall become vacant upon death, resignation, removal of place of residence from the Township, adjudication of incapacity or forfeiture of office as authorized by law or this Charter. Announcement of a vacancy must be made at the first public meeting after the vacancy occurs. The announcement must also be posted and published. If a vacancy occurs, the remaining members of the Board may appoint a successor who meets the qualifications for supervisor.
- B. **Vacancy Board.** Upon failure by the Board to make the appointment within thirty (30) days after the vacancy occurs, the vacancy shall be filled within fifteen (15) additional days by the Vacancy Board. The Vacancy Board shall consist of the Board and one citizen of the Township, who shall be appointed by the Board at the annual meeting, or as soon after that as practical, and who shall act as chairman of the Vacancy Board. If the Vacancy Board fails to fill the position within fifteen days, the chairman, or, if there is a vacancy in the chairmanship, the remaining members of the Vacancy Board, shall petition the Court of Common Pleas to fill the vacancy. If three or more vacancies occur on a five-member Board, the Court of Common Pleas shall fill the vacancies upon presentation of a petition signed by not fewer than fifteen (15) registered voters of the Township.

The successor(s) so appointed shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty (60) days after appointment date.

Section 2.05 Board Operation and Procedures

A. **Notice of Public Meetings.** In addition to notices required by law, the Board, not less than three (3) days prior to its next meeting, shall post and publish a notice and agenda for such meeting. Should an urgent issue present itself after the agenda is posted, the agenda may be amended and shall be posted prior to the scheduled meeting.

B. Meetings and Official Actions

1. The Board shall meet regularly at least once in every month at such time and place as the Board may prescribe by ordinance or resolution. At its annual meeting, the Board shall prescribe and post and publish the calendar of regular monthly meetings for the remainder of the year.
2. The chairman or, in the chairman's absence, the vice-chairman shall preside at Board meetings, designate the Township's representative at ceremonial occasions, and carry out such duties and sign such legal documents as prescribed in this Charter, the Code, any ordinance or other law.
3. The Board shall be empowered to hold emergency meetings for the sole purpose of passing emergency ordinances pursuant to Article IV, Section 4.03E . A notice of such meeting, including a clear statement of the emergency, shall be prominently displayed at the Township office and placed on the Township website, if possible; however, in the case of an emergency that makes it necessary to convene a meeting with less than twenty-four (24) hours advance notice, advance notice may be waived.
4. All attending Board members shall be allowed full and equal participation in Board deliberations. The Board shall have an agenda for each meeting of matters to be considered. The agenda shall be posted and available to those in attendance. No official action may be taken by the Board on any matters not included in the posted agenda, except in an emergency affecting the health, safety or general welfare of the Township. The agenda shall include an opportunity for public participation.
5. Official actions by the Board shall be taken only by ordinance, resolution or motion. Adoption of ordinances shall require a roll call vote by an absolute majority. Resolutions or motions shall be adopted by a majority vote.
6. The Board shall make and maintain a written record of its minutes, proceedings and official actions. Such records shall be posted for public inspection and shall be available in accordance with Pennsylvania's Open Records Law, 65 P.S. 66.1, *et seq.* No citizen of the Township shall be denied reasonable access to such records. Copies of minutes, ordinances, resolutions and other official actions of the Board shall be available to the public at a reasonable fee established by the Board. Unapproved minutes of the most recent meeting must be posted within five (5)

working days of the meeting. Approved minutes shall be posted within three (3) working days following approval.

- C. **Quorum.** The Board shall not conduct any business except in the presence of a quorum. The action of a majority of the supervisors present and entitled to vote shall be binding upon and constitute the official action of the Board except as otherwise provided in this Charter.

Article III.

Township Administration *Efficiency in Township Operations*

Preamble

“Of all human inventions the organization, a machine constructed of people performing interdependent functions, is the most powerful.”

~ Robert Shea

Township administration is the framework around which the government is built. Detailed administrative rules assure that all parties have a clear understanding of each party’s role and responsibility in the governmental process. These rules are designed to create a governmental culture where transparency and specificity make partners of officials and those who elect them.

Specifically, this section codifies the fiscal vigilance that taxpayers deserve, and pairs cost with competence by mandating regular periodic re-evaluations of existing professional relationships. Requiring an absolute majority of supervisors to agree on such issues as engaging an engineer and solicitor encourages consensus, while periodic mandatory solicitations of bids for these services ensure the best service at the best price.

Section 3.01 Township Administration

- A. **General Provisions.** The Board shall, by ordinance, adopt a Code which shall create, alter, or abolish Township departments, agencies and offices, and prescribe the duties and responsibilities thereof consistent with the law and this Charter.
- B. **Code.** The Code shall provide for the administrative organization of the Township government, and contain at a minimum the following:

1. A comprehensive system of personnel administration based on merit principles and providing uniform procedures for the hiring, appointment, suspension and removal of all Township employees;
2. The assignment of duties and responsibilities of all Township employees;
3. Procedures for managing the financial affairs of the Township;
4. The designation of the number of members and functional criteria for stipulated boards, commissions, authorities, agencies and committees; and
5. Other matters and procedures required in this Charter or by a vote of the Board.

Section 3.02 *Township Manager*

- A. **Appointment and Compensation.** The Board shall, by an absolute majority vote, appoint a Manager who shall serve at the pleasure of the Board. The Board shall set the compensation of the Manager and provide other terms of employment.
- B. **Qualifications.** The Manager shall be chosen strictly on the basis of administrative qualifications, training and/or experience with respect to the duties of the office. The Manager shall hold no elected governmental office and shall not otherwise be gainfully employed unless authorized by an absolute majority vote of the Board.
- C. **Removal from Office.** The Manager may be removed from office at any time with or without cause by an absolute majority vote of the Board. Such action shall be taken by a resolution adopted at a public meeting of the Board. The Board shall notify the Manager in writing of its intention to act on a removal resolution at least ten (10) business days prior to the date on which such action shall be considered.
- D. **Powers and Duties.** The Manager shall be the chief administrative officer and, if needed, secretary of the Township, and shall be responsible to the Board for executing and enforcing all policies, ordinances and resolutions of the Township. Such powers and duties shall include, but not be limited to, the authority to:
 1. Supervise and be responsible for the activities of all Township offices, agencies, departments and employees except as otherwise provided in this Charter;
 2. Appoint all department heads except the Treasurer and Police Chief;
 3. Hire, suspend or remove any employee except for the Treasurer and Police Chief;
 4. Prepare the budgets of the Township in accordance with Article V, Section 5.04 of this Charter and be responsible for their administration;
 5. Keep the Board informed as to the conduct of Township affairs;
 6. Prepare an annual report which shall be published not later than March 31 of the following year;

7. Make recommendations to the Board on matters affecting the administration of the Township and the health, safety, and general welfare of its citizens;
 8. Enforce provisions of all franchises, permits, licenses, and privileges granted by the Township; make certain all terms and conditions in favor of the Township in any public law, public utility franchise, other franchise, contract or lease are faithfully kept and performed, and report any violations to the Board;
 9. Represent the Township, at the request of the Board, in negotiations and deliberations concerning matters of intergovernmental cooperation; and,
 10. Exercise any additional powers or duties conferred by this Charter, or by the Board.
- E. **Acting Manager.** The Manager shall designate to the Board in writing, another individual to serve as Acting Manager during any temporary absence or disability. The Board may revoke such designation and appoint another qualified individual to so serve, or the Board shall assume such duties.

Section 3.03 Township Services

- A. **Township Secretary.** The Township secretary is a clerk to the Board and will be appointed by an absolute majority of the Board. The Board will determine compensation. Duties include:
1. Record proceedings;
 2. Preserve the minutes book and other records;
 3. Serve as administrative assistant to the Manager, if required; and
 4. Provide other clerical and administrative tasks, as directed.
- B. **Township Solicitor(s).** The Solicitor(s) shall serve as the legal counsel for the Township, including the Board, the Manager, and departments and agencies thereof, and shall perform such duties as prescribed by the Board. The Solicitor(s) shall be licensed in the Commonwealth of Pennsylvania and experienced in municipal law.
1. The Board, by an absolute majority vote, shall appoint one or more Solicitors, as needed, who shall serve at the pleasure of the Board with compensation to be set by the Board.
 2. At least every three (3) years the Board shall solicit proposals from qualified lawyers or law firms from which the Solicitor will be appointed by an absolute majority vote of the Board.
- C. **Township Engineer(s).** The Township Engineer(s) shall serve as professional advisor to the Township, including the Board, the Manager, and departments and agencies thereof, for any assigned engineering matters in the Township. The Engineer(s) shall be registered

professional engineers in the Commonwealth of Pennsylvania. The scope of duties of the Township Engineer(s) will be determined by the Board.

1. The Board, by an absolute majority vote, shall appoint one or more Engineers who shall serve at the pleasure of the Board, with compensation to be set by the Board.
2. At least every three (3) years the Board shall solicit proposals from qualified engineers or engineering firms from which Engineer(s) will be appointed by an absolute majority vote of the Board.

D. **Township Police.** Police officers may not hold any elected or appointed public office in the Township without the approval of the Board, unless otherwise agreed to in an applicable collective bargaining agreement.

1. The police officers of the township shall have those powers and abilities as are granted to police officers under the laws of this Commonwealth or the rules of the Supreme Court or the ordinances of the township for which a fine or penalty is imposed.
2. The Board shall provide for the organization, supervision and the determination of compensation for police.
3. The Police Chief shall be appointed by an absolute majority of the Board and shall report to the Manager.

E. **Roads.** The Board shall arrange for the construction, reconstruction or improvement of township roads and maintain the easements along the roadways in the manner defined within the Code. Shrubs or trees appurtenant to township roads shall not be removed or trimmed unless they constitute a hazardous or dangerous condition. Advance notice is required to be given to the property owner for the removal of any trees with trunks that are six (6) inches or greater in diameter.

At least every five (5) years the Manager will conduct a cost-benefit analysis of road maintenance and snow removal comparing the costs of insourcing, outsourcing and shared sourcing with nearby Townships.

Article IV.

Ordinances

Transparency in Governmental Actions

Preamble

“Information is the currency of democracy.”

~Thomas Jefferson

In a democracy knowledge is truly power. Transparency of process in government keeps citizens abreast of what government is doing in real time. Transparent processes in government assure that the acts of elected officials reflect the will of the citizenry; for it is when elected officials and citizens work toward the same purposes that government truly works with the most efficiency and the least friction.

A government that affords sufficient time to reflect upon, and to understand, its proposed actions shows respect for, and confidence in, its citizens. Transparent governmental processes make the citizenry partners in knowledge with the government. Such shared knowledge not only assures citizens that their government has nothing to hide, but also evidences a healthy willingness by the government to have citizen input from the very inception of proposed actions. Such a government reflects Alexander Hamilton’s assertion that “The confidence of the people is easily gained by a good administration.”

Section 4.01 Actions Requiring Ordinances

In addition to any other actions required by law or by this Charter to be taken by ordinance, actions of the Board shall be by ordinance, which:

- A. Adopt or amend the Code;
- B. Establish, alter or abolish any Township department, office, board, authority or commission;
- C. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- D. Initiate by ordinance a referendum to increase the rates of existing taxes or a referendum to create new taxes. Decreases to existing taxes are by ordinance;
- E. Grant, renew or extend a franchise, or impose licensing requirements;

- F. Establish, alter or abolish rates charged for any utility or other service supplied by the Township;
- G. Authorize the borrowing of money as provided in Article V, Section 5.02 J;
- H. Purchase, convey, lease or authorize the purchase, conveyance or lease of any real property, or accept a gift of any real property or any interest in real property;
- I. Amend, repeal or revise existing ordinances;
- J. Place a question on the ballot for initiative and referendum;
- K. Appoint any person or agency to a position for which services in excess of a value established by the Code are compensated by the Township;
- L. Establish, alter or amend any zoning ordinance, subdivision procedure, land development, land use or building regulation, except as otherwise may be authorized, required or provided by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*;
- M. Exercise the power of eminent domain;
- N. Authorize expenditures, including those for historic and/or cultural resources or other non-profit organizations, in excess of ten thousand dollars (\$10,000) in variance from the budget;
- O. Contract for entertainment services above the threshold amount set forth in the Code;
- P. Approve unbudgeted leases of capital items;
- Q. Approve construction of unbudgeted capital improvements;
- R. Sell any asset valued at equal to or greater than the threshold value set forth in the Code;
- S. Enact the Township budget; and
- T. Transfer appropriations between departments above the threshold amount set forth in the Code.

All other powers and duties of the Township and the Board may be exercised by ordinance or resolution.

Section 4.02 *Form Ordinances Must Take*

Every proposed ordinance shall be introduced in written form. No ordinance may contain more than one subject which shall be expressed clearly in the title. Any ordinance that amends, repeals or revises an existing ordinance shall indicate specifically the matter to be added, omitted, or changed.

Section 4.03 *Ordinance Adoption Procedure*

- A. **Introduction.** A proposed ordinance may be introduced by a supervisor at any regular or special public meeting. Such ordinance shall be submitted to the Manager who shall cause it to be posted at least three (3) working days prior to placing it on the agenda of the next public meeting for introduction and first consideration.
- B. **Public Notice.** If the proposed ordinance is approved initially by the Board, the Manager shall cause the full text of the proposed ordinance to be posted and published at least once not more than thirty (30) days nor less than ten (10) days before the said public meeting. The notice shall contain sufficient information to identify any specific geographical area affected and/or the nature of the ordinance and shall specify the date, time and place when the ordinance will receive further consideration. In the event of a conflict in the public notice requirements of this section and general law, the latter shall govern.
- C. **Adoption by the Board.** In adopting any ordinance, the Board, in addition to considering any standard or factor required to be considered by applicable law, shall take into consideration and accord substantial weight to the goals and objectives of the Township's then-in-effect Comprehensive Plan, where applicable, and to the recommendations, if any, of Township boards, commissions or committees. The Board shall state at the public meeting all the factors the Board took into account in adopting the ordinance. At the advertised public meeting, the Board may:
1. Adopt the ordinance as proposed by a roll call vote of an absolute majority;
 2. Postpone action until a later meeting; or
 3. Amend a proposed ordinance before final adoption.

If action is postponed until a later time, without specifying when, or if there is a materially substantive change to the original ordinance, no final action may be taken until the ordinance had been re-posted and re-published according to the public notice section above.

The Board shall designate a specific time for Township citizens or interested parties to be heard on the subject of any ordinance under consideration. Any comments that the public wishes to become incorporated into the minutes must be submitted in writing prior to the approval of the minutes to which the comments are to be attached.

- D. **Publication, Recording and Effective Date.** The Manager shall cause the full text of an ordinance, once adopted, to be placed on the Township's website and recorded in the Township's ordinance book within five (5) days after adoption. The ordinance book shall be open and available for public inspection at the Township office throughout normal business hours. All ordinances are effective five (5) days after adoption unless a date later than five days after adoption is stated in the ordinance. Within thirty (30) days after adoption, a copy of the full text of the ordinance shall be mailed to the office of the appropriate local district justice and to the Chester County law library.

- E. **Emergency Ordinances.** Notwithstanding any other provisions of this Charter, the Board may, in the event of a substantial public emergency affecting the health, safety or general welfare of the citizens of the Township, enact emergency ordinances. Emergency ordinances shall be so designated, introduced in the form required for ordinances and clearly state the nature of the emergency. No prior publication of an emergency ordinance shall be required and it may be enacted at any public meeting at which it is introduced. An emergency ordinance shall require an absolute majority vote of the Board. In the event it is impossible for the full membership to be present, an emergency ordinance may be adopted by a majority vote provided there is a quorum. Emergency ordinances shall not levy taxes nor authorize the borrowing of money. An emergency ordinance shall become effective immediately upon enactment and shall automatically be repealed thirty (30) days thereafter, unless extended once for an additional period up to (30) thirty days, as provided herein, if the Board finds that the emergency still exists. Emergency ordinances may also be repealed by the Board at any time following enactment by a repealing ordinance in the same manner specified in this section for the enactment of emergency ordinances. Copies of emergency ordinances shall be placed immediately and prominently on the Township website and remain on the website while in effect. Notice shall be given as provided in this Charter as soon as possible after the date the emergency ordinance is enacted, reenacted, or repealed.

Section 4.04 *Adopting Standard Code of Technical Regulations*

The Board may adopt, in the manner set forth in this Charter, any standard code of technical regulations or parts thereof by enacting an ordinance incorporating said code or parts thereof by reference. The details of such standard codes and technical regulations may be posted or published, and at least one copy thereof shall be available at the Township office for public inspection. The Township shall make available for purchase at cost copies of such codes or regulations.

Section 4.05 *Compilation and Indexing of Ordinances*

Within one year after the effective date of this Charter, the Board shall provide for the preparation of a general compilation and indexing of all Township ordinances. Any standard code enacted pursuant to Section 4.04 above may be incorporated by reference and need not be separately printed. The general compilation shall be published promptly in loose-leaf or other appropriate form together with this Charter and the Code. Copies shall be furnished to Township officers, a copy shall be placed in the Township office for free public reference and copies shall be made available for purchase by the public at a reasonable fee fixed by the Board. All amendments to any ordinance shall be integrated into said compilation.

Article V.

Financial Procedures

Fiscal Responsibility in Government

Preamble

“The same prudence which in private life would forbid paying our own money for unexplained projects, forbids it in the dispensation of public moneys.”

~Thomas Jefferson.

Fiscal responsibility is a necessary component of healthy government. Simply put, money matters. Each citizen of this Township contributes to the public coffers and therefore has the right to be kept abreast of how, when and why Township funds are expended. Citizens also have the right to expect that their tax dollars will be spent in the best interests of the Township and its residents, and that monetary decisions will be based on prudent planning with attentive reporting.

We set forth these guidelines to assist elected and appointed officials in carrying out their fiduciary duty to Township taxpayers because Township officials are rarely accountants, and often are not familiar with the intricacies of budgeting and the principles of formal accounting. This Charter sets forth a comprehensive set of procedures, guidelines, planning tools, and notice requirements, all with an eye toward fiscal accountability and transparency.

Section 5.01 *General*

The Board shall be responsible for establishing financial policies for the Township, developing and approving the budget, and levying taxes. The budget for each calendar year shall be balanced as provided in this section.

Section 5.02 *Financial Procedures*

- A. **Classification of Accounts.** The Board shall provide in the Code a uniform classification of accounts to be used and followed in all financial plans, programs, budgets, financial records, and reports.
- B. **Receipts.** The Board shall provide in the Code procedures for the receipt, deposit and accounting by the Treasurer of all taxes, fees and other monies due and received by the Township. The Board shall designate the depositories for Township receipts.

- C. **Disbursements.** The Board shall authorize disbursement of Township monies in discharge of Township obligations lawfully incurred after determining that all goods and services contracted for have actually been received or performed. The Board shall provide in the Code for procedures for the signing and countersigning of all checks, drafts or other orders of payment by two persons.
- D. **Contracts.** The Township may make contracts for lawful purposes subject to the law and this Charter. No contract shall be made or obligation incurred unless there is a sufficient unencumbered balance in an appropriation and sufficient monies are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any contract made or obligation incurred in violation of this provision shall be void and any supervisor or employee authorizing such contract shall be subject to removal and be liable to the Township or its surety for any loss incurred. Contracts for labor or services shall not exceed 24 months.

The Board shall provide in the Code the procedures for awarding contracts which shall be consistent with the law and this Charter and shall include at a minimum the following:

1. Contracts involving sums in excess of a threshold amount specified in the Code shall be subject to competitive bidding, and shall be executed by the chairman of the Board. The Manager may enter into and execute all other contracts on behalf of the Township.
2. Contracts for the purchase, sale, lease or use of real property, or for the construction of capital improvements, unless included in an approved capital budget, shall be authorized by ordinance.
3. A procedure within the Code for competitive bidding which shall include definitions, publication and notice requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers, rights of acceptance and rejection, and exceptions, in accordance with the law and this Charter.
4. Competitive bidding shall not be required for:
 - (a) *Contracts for labor or services rendered by any person in their capacity as Township employee;*
 - (b) *Contracts for labor, material, supplies or services less than the amount specified by the Board;*
 - (c) *Contracts relating to the acquisition or use of real property;*
 - (d) *Contracts for professional or unique services or supplies, except that proposals for such services shall be encouraged where practical;*

- (e) *Contracts for policies of insurance or surety company bonds, except that the use of competitive bidding or proposals for such items shall be encouraged where practical;*
- (f) *Contracts for emergency repairs; and,*
- (g) *Contracts with other governmental entities, agencies, authorities or political subdivisions.*

No contract for the procurement of goods or services which is subject to competitive bidding shall be authorized on behalf of the Township except with the lowest responsible bidder.

No person shall evade the competitive bidding provisions of this Charter by purchasing or contracting in multiple transactions for the purpose of obtaining prices under the amount specified by the Board for competitive bidding when such transactions should, in the exercise of reasonable discretion and prudence, be conducted or considered as one transaction.

- E. **Subjects and Rates of Taxation.** The subjects and rates of taxation shall be those allowable on the effective date of this Charter and those allowable from time to time under any law which may apply to Townships of the second class. The Code shall define all taxes, fees, and fines for the Township.

On the effective date of this Charter, the tax rates are as follow:

1. **Property Tax** – The property tax rate is 0.125 mills. Millage is the rate per \$1,000 of assessed value of the property.
2. **Earned Income Tax** – The earned income tax is one (1) percent and is equally divided between the Township and the school district.
3. **Special Earned Income Tax** – The special earned income tax is one-quarter (0.25) percent for the purchase of land and conservation easements to preserve open space in the Township, as provided in a referendum approved by the voters on November 7, 2007.
4. **Real Estate Transfer Tax** – The real estate transfer tax is one (1) percent.

Under this Charter, tax rate increases and new taxes shall be enabled solely upon the approval by a majority of voters of an initiative added to the ballot by an ordinance of the Township. Further, the Board shall, with the Financial Planning Commission, prepare a document defining the reasons for such a tax change including any minority opinion and shall post the document for at least thirty days prior to the election.

Any county-wide re-assessment of property values shall require an ordinance by the Board to lower the property tax rate so that the new valuation shall not produce revenue exceeding one hundred five (105) percent of the revenue in the calendar year prior to the reassessment.

- F. **Independent Audit.** The Board shall provide for an independent annual audit of, at a minimum, Township receipts, expenditures, accounts, funds, debt and reports, by a Pennsylvania-certified public accountant or a firm of such accountants, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the Township or any of its elected or appointed officials or employees. The Board may provide for more frequent audits at its discretion. The results of the annual audit shall be delivered to the Board and the Manager. The Manager shall cause to be prepared a financial statement of the fiscal affairs of the Township, together with any recommendations thereon, and it shall be included in the annual report of the Manager defined in Article III, Section 3.02 D(6). A summary thereof shall be published not later than March 31 of the following calendar year.
- G. **Bonding of Officers and Employees.** The Board shall provide in the Code for the bonding of all officers and employees who are responsible for the handling and/or authorization of receipts, disbursements, materials or supplies. The bonds shall be, at minimum, equal to the total funds the individual may manage at any one time. All such bonding shall be approved by the Solicitor for form and sufficiency. The premium for such bonding shall be paid by the Township.
- H. **Sale of Property. The sale of real property shall be by ordinance as provided in Article IV.** The Board shall establish in the Code a dollar threshold for the sale of all other assets, such that the sale of any asset equal to or greater than the established threshold value shall cause that sale to be subject to a bidding process. Issues regarding the sale of assets addressed in the Code include the following:
1. The bidding process to be followed for the sale of any asset valued at equal to or greater than the established threshold value. Such process shall require that the Board prepare an ordinance authorizing the sale;
 2. The procedure to be followed to provide the maximum return to the Township when the sale of assets is below the established threshold value;
 3. The procedure to be followed in the use of Township assets as consideration in a purchase, such as trade-ins; and
 4. The criteria, if any, to be applied to transactions involving the sale or transfer of assets to government agencies, non-profit entities that are recognized by the Commonwealth of Pennsylvania and the United States Internal Revenue Service, and first responder emergency service organizations.
- I. **Reserves.** The Township shall maintain such cash reserves as are necessary for the day-to-day operations of the Township as well as such type of reserve necessary for the maintenance or replacement of capital assets.

Special reserves may be established for definitive capital projects authorized to take place within five (5) calendar years. Should a capital project be cancelled the reserve shall be returned to the Township general fund. Such reserves may be used for Board-defined emergencies as directed by resolution of the Board.

J. **Limitations on Debt.** Borrowing by the Township shall be limited in amounts and governed by procedures in the Constitution of Pennsylvania, the Local Government Unit Debt Act as amended, or other law, with the following additional provisions:

1. The Board may, by ordinance, issue tax and revenue anticipation notes to provide funds to pay budgeted outlays. Such borrowings shall be repaid within the current calendar year;
2. The Board may, in the budget process, include tax exempt municipal leases as defined in the Debt Act, and the budget approval shall include approval of the leases;
3. All other debt shall be approved by the electorate and placed on the ballot by ordinance. The Board of Supervisors and the Financial Planning Commission shall prepare and post a document detailing the uses and justifications for debt, including majority and minority opinions; and
4. All debt shall be reviewed by the Department of Economic and Community Development as set forth within the Debt Act.

Section 5.03 *Financial Officials and Commissions*

A. **Treasurer.** The Board shall appoint a Treasurer at each annual meeting to perform the duties outlined in this Charter. The Treasurer is required to be a registered voter of the Township and shall hold no elective or other appointed office within the Township. The Treasurer shall be a member of the Financial Planning Commission.

The Treasurer shall perform the following duties as well as those defined within the Code:

1. **Maintain Records** - Cause the preparation and maintenance of a record of all financial transactions of the Township as prescribed by the Board in the Code. These records shall be kept at the Township office and shall be made available for public inspection.
2. **Prepare Reports** - Prepare financial reports at least monthly, annually and at such other times as the Board or Manager may direct. The reports shall be submitted to the Board at its regular meetings and shall be posted for public review. The documents will compare the financial information for the reporting period with the budgeted amounts and with the prior year(s). The reports shall include the balance of each and every fund, anticipated or actual revenue changes, and the status of any debt instrument.

The Board may appoint an assistant treasurer who, in the absence of the Treasurer, shall perform the duties of the Treasurer.

The Treasurer may be compensated on an hourly basis at a rate defined each year by the Board. Should the Treasurer be an employee of the Township, his compensation shall be limited to the higher of either the Treasurer's compensation or the employee

compensation for any time period. In no case shall the individual be compensated at both rates for duties performed in the same time period.

- B. **Tax Collector.** At the annual meeting, the Board shall appoint a Tax Collector to perform the duties defined in this Charter, the Code and under the law.
- C. **Financial Planning Commission.** The Financial Planning Commission is defined in Article VI, Section 6.06C of this Charter.

Section 5.04 *Financial Planning*

- A. **Financial Planning and Budgets.** The Board shall adopt an operating plan and budget as well as a capital plan and budget which shall reflect the policies and objectives established by the Board; cover all Township funds and activities; and specify total expenditures not to exceed the estimated revenue from all routine sources. Both plans shall be prepared for a minimum of three years with full detail required for the first year and summaries thereafter.
- B. **Budget Message.** The presentation of the proposed budget shall be accompanied by a budget message from the Manager. The Manager's message shall explain the proposed budget in terms of revenues, expenditures, and debt, as well as programs, projects and services.
- C. **Budget Content.** The proposed and final budget shall provide a complete financial plan of all Township funds and activities for the ensuing calendar year. Both shall be in the form prescribed by this Charter, the Code, and by the law. Both shall set forth in separate sections the subject matter enumerated in the following:
 - 1. All proposed expenditures for current operations during the ensuing calendar year detailed by departments, offices, boards, commissions, authorities, agencies and committees as outlined in the Code, in terms of their respective programs, projects, and services, as well as the method of financing such expenditures.
 - 2. All appropriations shall be organized according to the following classes of expenditures:
 - (a) *Personnel and personal services;*
 - (b) *Contractual services;*
 - (c) *Materials, supplies, and equipment;*
 - (d) *Debt service; and*
 - (e) *Such additional classes as the Board may prescribe in accordance with generally accepted accounting principles.*
 - 3. All proposed capital expenditures during the ensuing calendar year shall be detailed by offices, departments and agencies when practicable and the proposed method of

financing each such capital expenditure. The operating budget and the capital program described in this section shall together constitute the annual Township budget.

D. **Capital Program.** The capital program shall include, at a minimum, the following:

1. A clear summary and a list of all capital improvements proposed during the next three (3) calendar years, with supporting information as to the necessity for such improvements;
2. The cost estimate, method of financing, and recommended time schedule for each such improvement; and
3. The estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements either before or in the process of construction or acquisition.

E. **Budget Creation.** At the annual meeting, the Board shall set the date and interval between each of the following milestones defined within the Code:

1. **Requests** - Township departments, agencies, commissions or boards shall submit proposals for the ensuing calendar years consistent with the requirements of this Charter and the Code. Those requests shall be posted for public inspection.
2. **Approvals** – In a public meeting, the Board shall review the requests and either approve, approve with modification, or deny the submitted items contained therein. Approvals or approvals with modification represent the Board’s direction to include the item in the proposed budget.
3. **Budget Preparation** – The Manager, Financial Planning Commission and Treasurer shall jointly prepare the initial operational and capital program in accordance with this Charter and the Code

F. **Budget Review, Notification and Presentation.** The Manager, Financial Planning Commission and the Treasurer shall jointly develop and present the initial financial plans, programs and budget to the Board on the dates established at the annual meeting and consistent with the Code requirements. All such plans, programs and budgets shall be posted and published for public review. Updates to the plans and budgets shall be posted within two (2) business days of the change.

G. **Budget Adoption**

1. **Adoption of Preliminary Budget and Capital Program** - At least thirty (30) days before the end of the calendar year, the Board shall complete its review of the proposed budget and the proposed capital program, make such adjustments as it deems necessary, and, at a public Board meeting, adopt by resolution the preliminary budget and the preliminary capital program, copies of which thereafter shall be promptly posted.

2. **Public Notice and Public Hearing** - No later than ten (10) days following the adoption of the preliminary budget and the capital program by the Board, the Board shall post the date, time, and place at which the Board shall hold a public hearing on the proposed budget and capital program. This notice shall include a summary of the budget and the capital program. The public hearing shall take place at any regular or special meeting of the Board at least seven (7) days after posting and at least ten (10) days prior to the end of the calendar year.
3. **Final Adoption of the Budget and Capital Program** - Following public notice and the public hearing, the Board shall enact a final budget and capital program by ordinance. If in the final budget to be enacted or any amendment thereof, total expenditures are increased more than ten (10) percent over total expenditures in the preliminary budget, the public notice and public hearing procedures specified in this section shall be repeated for the revised budget prior to final enactment. Copies of the budget as enacted shall be posted. Should the Board fail to enact a final budget before the start of the calendar year, the appropriations of the preceding year, prorated on a month-to-month basis, shall continue in effect, pending enactment of a final budget.

H. **Budget Modification**

1. **Budget Revision by New Board** - Notwithstanding any other provisions of this Charter, in any year following a municipal election the newly elected Board may, within forty-five (45) days after the start of the calendar year, enact a revised budget and capital program. The Board shall make such revisions as it deems necessary in the budget of the previous Board and shall adopt by resolution a preliminary revised budget. The procedures for adopting a revised budget shall be by ordinance in accordance with this section. Ordinances enacting a revised budget shall be effective at the start of the calendar year.
 2. **Supplemental, Emergency, Transfer, and Reduction of Appropriations** - The process for making supplemental and emergency appropriations and reductions or the transfer of appropriations shall be defined in the Code and may be made effective immediately.
 3. **Limitations** - No appropriation for existing debt service may be reduced or transferred. No appropriation may be reduced below the amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.
- I. **Budgets for Calendar Year 2009.** The Board in office in 2008 shall prepare the budgets for 2009, where possible, in accordance with the organizational structure and uniform classification of accounts provided in this Charter.

Article VI.

Boards and Commissions *Citizen Voices in Government*

Preamble

“The citizen can bring our political and governmental institutions back to life, make them more responsive and accountable, and keep them honest. No one else can.”

~ John William Gardner

An engaged citizenry is the hallmark of a vibrant, healthy democracy. Broad citizen participation in boards and commissions is the life-blood of the Township’s body politic. Some boards and commissions issue edicts that the Township must follow. Some Boards and commissions are advisory in nature and issue recommendations. That does not mean, however, that those recommendations are to be given short shrift or ignored in the name of expedience. The Township has created its advisory boards and commissions because, while not binding, these bodies’ recommendations combine citizen expertise with public input, and deserve to be considered. The Township so values these advisory opinions that it pledges to not only consider each advisory opinion tendered, but to state with specificity why it may, on occasion, be to the greater public good not to follow a specific recommendation.

Likewise, citizens who serve on these advisory boards and commissions understand that while their recommendations advocate for the interest of their respective board or commission, the Township may need to take a broader view of the issue in question. This broader view results from the Township’s need to balance the interests of all its constituent groups. And, in striking that delicate balance the Township may find it necessary not to follow what otherwise might seem a proper recommendation. Each party keeps in mind Thomas Jefferson’s admonition that, “Every difference of opinion is not a difference of principle.”

The Township, and those citizen-members of advisory boards and commissions, recognize a mutual respect for the limitations each has by its respective role in government. All parties recognize that a cooperative relationship is more productive than an adversarial one and each ascribes only the highest motives to the other’s position on any given issue. As in all aspects of a healthy governmental relationship, issues rather than personalities drive the discourse.

Section 6.01 General

The Board shall, by ordinance, create, modify, or abolish boards, commissions, authorities, agencies and committees and prescribe their organization and functions consistent with this Charter and applicable law. Their general purpose may include providing information, fact-finding, developing recommendations, and advising action on matters and problems falling within the legislative responsibility of the Board. The Board at its discretion may appoint alternate and ex-officio members.

Section 6.02 *Composition*

The number and qualifications of the members of any board, commission, authority, agency, or committee shall be determined by the Board, except where stated otherwise in this Charter or defined by applicable law. The Board shall appoint, suspend, or remove the members of such bodies only by an absolute majority vote. Such appointments may not include members of the Board. Appointments shall be preceded by an announcement of open positions at a public meeting held not less than thirty (30) days prior to the appointment. No citizen appointed or serving on such bodies shall hold more than two concurrent, appointed Township positions.

Section 6.03 *Term*

Citizens appointed to boards, commissions, authorities, agencies, and committees may serve two (2) consecutive five (5) years. Terms should be staggered as practical to sustain continuity. The Board shall make all reasonable efforts to fill vacancies within ninety (90) days. If an absolute majority of the Board determines that the number of members on any appointed board, commission, authority, agency, or committee should be reduced, it shall be altered by ordinance and thereafter accomplished by allowing those terms to expire without filling the vacancies.

Section 6.04 *Organization*

Each board, commission, authority, agency, or committee shall organize itself from among its members within thirty (30) days from the date of the appointment of its initial membership, and annually thereafter. The officers elected shall include a chairman, a secretary and other officers considered appropriate by the membership. Each board, commission, authority, agency, or committee shall keep a record of its proceedings and shall report at least monthly to the Board, at a regular public meeting, or provide a written report before such meeting. By October 31, each shall also present to the Board for public review, a written annual report for the 12-month period ending September 30. All approved minutes and reports of boards, commissions, authorities, agencies and committees shall be posted.

Section 6.05 *Boards, Commissions and Authorities Enabled by State Legislation*

- A. **Zoning Hearing Board.** The Zoning Hearing Board shall be a permanent body and shall be empowered by and shall function in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10201, *et seq.*, as amended. The Zoning Hearing Board is concerned with the regulation of property use within the Township, as set forth in the West Pikeland Township Zoning Ordinance 2005-207, as may be amended.

The Zoning Hearing Board shall consist of three (3) members and two (2) alternates, who shall hold no other Township office, ex-officio membership, or position while serving on the Zoning Hearing Board.

- B. **Planning Commission.** The Planning Commission shall be a permanent body and shall be empowered by, and shall function in accordance with, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10201, *et seq.*, as amended, until such time as the General Assembly of Pennsylvania shall provide uniform laws on planning and zoning which apply to a municipality with a home rule charter. The Planning

Commission shall act in an advisory capacity to the Board and may consult with other Township officials, boards, commissions, authorities, agencies, and committees where appropriate. The Planning Commission is generally concerned with the physical development of the Township, and changes to and implementation of the Comprehensive Plan.

Every three (3) years, the Planning Commission shall, in consultation with the appropriate boards, commissions, authorities, agencies, and committees, including the advisory committee appointed by the Board to implement the Open Space Initiative in the Township, report to the Board on the state of the Township with regard to physical development, land matters, zoning, housing, and building codes.

The Commission shall consist of seven (7) members in addition to engineering and legal representatives the Board may appoint.

- C. **Historical and Architectural Review Board.** The Historical and Architectural Review Board shall be empowered by, and shall function in accordance with, the Historic District Act of June 13, 1961, P.L. 282, No. 167 as amended, 53 P.S. §8001, *et seq.*, to protect the distinctive character of historic districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic district.

The Historical and Architectural Review Board shall consist of no fewer than five (5) members.

Section 6.06 *Boards, Commissions and Authorities Enabled by This Charter*

All voting members of the following commissions shall be residents of the Township.

- A. **Parks and Recreation Commission.** The Parks and Recreation Commission shall be a permanent body and shall be responsible for recommending to the Board the establishment, development and administration of recreational programs within the Township. The Parks and Recreation Commission shall advise the Board as to the planning, use, and maintenance of parks, trails, recreational land and facilities owned by the Township. The Parks and Recreation Commission shall cooperate with other boards, commissions, authorities, agencies or committees responsible for recreation, land planning and preservation.

The Parks and Recreation Commission shall consist of no fewer than seven (7) members.

- B. **Environmental Commission.** The Environmental Commission shall be a permanent body and shall act in an advisory capacity to the Board. It shall consult with West Pikeland and other area township officials, boards, commissions, authorities, agencies, committees and land trusts for the purpose of making recommendations in matters relating to the environment of the Township, including the protection and conservation of natural resources.

The Environmental Commission shall consist of no fewer than three (3) members.

- C. **Financial Planning Commission.** The Financial Planning Commission shall be a permanent body and shall assist the Township in the preparation of various financial planning documents including, but not limited to, operational and capital budgets, business plans for Township projects, and debt instruments. The Financial Planning Commission shall annually solicit for an independent auditor and recommend a firm to the Board at the first meeting in December.

The Financial Planning Commission shall consist of no fewer than three (3) members serving multiple terms each not to exceed two (2) years. The Treasurer shall be a voting member of this Commission concurrent with appointment as Treasurer.

Article VII.

Ethics

Integrity in Government and Leadership

Preamble

“Men must turn square corners when they deal with the government.”

~ Oliver Wendell Holmes, Jr.

Ethical rules are the guideposts for navigating the political landscape. The more guideposts there are, the easier it is to navigate without losing the way. Elected and appointed officials must constantly navigate relationships made more complicated by the fact that public trust is involved and even the mere appearance of impropriety must be avoided.

Public officials are, rightly, held to a higher standard than are private citizens. To aid officials in maintaining that higher standard, these ethical rules set forth standards of behavior that exact integrity in government. We are mindful of Louis D. Brandeis’s observation that “Our government teaches the whole people by example.”

These rules are set forth not because we expect purposeful deception on the part of our elected and appointed officials, but rather because we understand that plainly written rules provide easy reference for decision makers, and thereby help avoid even the inadvertent mistake. Following the clear proscriptions set forth in these rules allows elected and appointed officials to navigate more easily the ethical quagmire of public service.

We have also included non-discrimination language in our charter. That is because we understand and appreciate that diverse opinions forged by different experiences bring an inherent strength to the decision-making process by testing the mettle of all ideas.

Section 7.01 General

It is intended that public officials and employees shall be governed by the Public Official and Employee Ethics Act, 65 Pa.C.S. § 1101, *et seq.* and this Charter, as public office and employment by a public entity is a public trust, and any effort to realize personal gain through

that office or employment, other than compensation by law, is a violation of that trust. In order to strengthen the faith and confidence of the citizens of the Township, they must be assured that the financial interests of officeholders and employees of the Township do not conflict with the public trust. It is also the intention of this section to prohibit the use of any office or employment to improperly influence any action of the Township or any of its boards, commissions, authorities, agencies or committees.

Section 7.02 *Integrity in Government Operation*

A. **Prohibited Activities.** The activities which follow shall be prohibited in the operation of the Township government:

1. **Discrimination** – No person shall, in his employment by the Township, in any capacity, appointment to any board, commission, or authority, or removal therefrom, be favored or discriminated against because of age, race, national origin, gender, sexual orientation, disability, or political or religious opinions or affiliations. No person shall be accorded favored treatment in employment or appointment because of family relationship.
2. **Improper Gifts** – No person who seeks appointment to any Township board, commission or authority, or employment by the Township in any capacity shall, directly or indirectly, give or pay any money, service, or other consideration to any individual in connection with such appointment or employment. In addition, no elected or appointed Township official or employee shall receive any money, service or other consideration in connection with such appointment or employment.
3. **Political Party Office** - No Township official, elected or appointed to an elective office under this charter, and no full-time Township employee shall hold the position of committee person or the equivalent thereof in any local, district or county political party organization.
4. **Improper Political Influence** - No elected or appointed Township official and no employee of the Township shall request that any Township employee make a political contribution or engage in political activity.

B. **Violation.** Violation of any provision of this section shall constitute grounds for termination of appointment or employment, or dismissal in accordance with the provisions of the Code. Conviction of such a violation by an elected official can result in removal from office pursuant to Article VI, Section 7 of the Constitution of the Commonwealth of Pennsylvania.

Section 7.03 *Individual Integrity*

A. **Prohibited Activities.** The activities that follow shall be prohibited by any elected or appointed official or employee of the Township:

1. **Improper Use of Office** - Take any action as a result of information acquired as a Township official from which action the Township official or employee or any other person or entity in whose welfare the official is interested, shall realize a

financial gain. Such action shall not, however, be construed to be prohibited if the gain were realized generally by a group or class of citizens and such benefit and relationship is generally known and acknowledged.

2. **Soliciting Gifts** - Solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on the offeror's or donor's understanding that the vote, action or judgment of the official or employee would be influenced thereby.
3. **Improper Influence in Awarding of Contracts** - Seek to influence, directly or indirectly, the awarding of any contract where such Township official or employee, or other person or entity in whose welfare the official or employee is interested, would benefit directly or indirectly, financially or otherwise, from said contract.

B. Disclosures

1. **Disqualification from Action** - Any elected or appointed official of the Township or employee thereof having a direct or indirect financial interest with any person or entity proposing to contract with the Township shall fully disclose said interest to the Board and, except where such interest is minimal stock holding in a public corporation, shall not participate in the discussion or vote on said contract. Such contract shall not be approved by the Board except by an absolute majority. This section shall not apply where such person is an employee of the person, firm, or corporation to which money is to be paid in a capacity with no possible influence on the transaction, and in which he cannot possibly benefit either financially or in any other material manner. Violation of this section shall render the contract voidable.
2. **Disclosure of Ownership of Real Property** – All elected officials, the Manager, and all appointed officials shall, upon taking office, file with the Township secretary a statement of direct, indirect, or beneficial interest in any corporation, partnership, or joint venture owning real property in the Township. Such statement shall be revised promptly upon any change in ownership or acquisition of additional interests.

Violation. Willful violation of any provision of this section shall constitute malfeasance in office which, and except as may otherwise be provided by law, shall be a summary offense. Conviction of such a violation by an appointed official or employee shall result in termination of appointment, or dismissal in accordance with the provisions of the Code. Conviction of such a violation by an elected official can result in removal from office pursuant to Article VI, Section 7 of the Constitution of the Commonwealth of Pennsylvania.

Article VIII.

Initiatives and Referenda *Processes for Citizen Participation*

Preamble

“The boisterous sea of liberty is never without a wave.”

~Thomas Jefferson

At its simplest, true representational democracy is no more than one person-one vote. Access to the ballot box is an important power that must be entrusted to citizens. To that end we have set forth procedures by which citizens may initiate changes in their government by adding what they think missing, or removing what they think excessive. We have also included the right of citizens to petition to remove from office those elected officials they believe have committed acts which should preclude them from continued service or are no longer adequately responsive to the electorate. These powers are included because we firmly believe that to silence criticism is to silence freedom.

Those procedures for both adding to and removing from the Township’s statutory scheme create both a right and a responsibility for the citizen-voter. Whereas, citizens have the right to shape their own local government, they also have the responsibility to add to, or remove from, the government’s statutory scheme only those items which result in the greater good.

Petitioning to remove an elected official occurs because there is a significant proportion of the electorate that is of the opinion that the elected official in question is unfit to serve the remainder of his term. Elected officials accept this possibility as part of their service and realize that if a majority of the electorate is dissatisfied with their performance, or if they have breached the public trust in a material way, they should step down. Likewise, citizens realize that personal animosity, innuendo, rumor, ad hominem attacks, or petty disagreements are insufficient bases upon which to mount a removal petition.

Because this right of direct citizen involvement is such a powerful tool, we have laid out with specificity those rules, procedures and time frames which must be followed in order for citizen-initiated change to be successfully sought in the ballot box. These mandatory rules are not set forth as obstacles to discourage the use of this procedure, but rather to highlight the power of this process and to cause meaningful reflection by those who may avail themselves of its use.

Section 8.01 Participation Encouraged

Citizens are encouraged to participate in Township government by:

- A. Seeking public office;
- B. Voting for elected officials;

- C. Serving on Township boards, commissions and committees;
- D. Participating in initiative and referendum processes;
- E. Making suggestions to elected officials; and
- F. Reporting relevant information to the Township's information and complaint officer.

Section 8.02 Township Information and Complaint Officer

The Manager or designee shall be the Township information and complaint officer. The complaint officer receives citizen complaints and responds appropriately. The complaint officer also informs the Board of complaints and dispositions thereof.

Section 8.03 Initiative and Referendum Process

A. General Authority

- 1. **Initiatives:** Registered voters can institute procedures to propose new ordinances to the Board, and to adopt or reject same at a Township election if the Board fails to act.
- 2. **Referenda:** Registered voters can require reconsideration by the Board of any ordinance. If the Board fails to repeal the ordinance so considered, registered voters may have the ordinance submitted to a popular vote for approval or repeal.

B. Petitioners' Committee. Any five (5) registered voters may commence initiative or referendum proceedings by filing with the Manager an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in its proper form, stating the names and addresses and specifying the addresses to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the Manager shall issue the appropriate petition blanks to the petitioners' committee.

C. Petitions

- 1. **Number of Signatures** - Initiative and referendum petitions must be signed by registered voters of the Township equal in number to at least fifteen (15) percent of the total number of registered voters to vote in the last primary, municipal or general election.
- 2. **Form and Content** – All papers of a petition shall be uniform for filing and their form shall be as mandated by the Election Code, 25 P.S. § 2600, *et seq.*

3. **Affidavit of Circulator** - Each paper of a petition shall have attached to it when filed an affidavit as defined by the Election Code, 25 P.S. § 2600, *et seq* .
4. **Time for Filing Petitions** - Initiative petitions shall be completed and filed within ninety (90) days after the issuance of the petition. Referendum petitions must be filed within thirty (30) days after the effective date of the ordinance sought to be reconsidered.

D. Procedure After Filing

1. **Certification** - Within twenty (20) working days after a petition is filed, the Manager, or designee, shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars of the deficiency, and promptly send a copy thereof to the petitioners' committee by registered mail.

A petition certified insufficient for lack of valid signatures may be amended once if the petitioners' committee files a "notice of intent to amend" with the Manager within five (5) working days after receiving a copy of the certificate, and files a supplementary petition within ten (10) working days after receiving a copy of the certificate. The supplementary petition shall comply with Section C.

Within five (5) working days after the supplementary petition is filed, the Manager, or designee, shall complete a certificate as to the sufficiency of the petition, as amended, and promptly send a copy to the petitioners' committee by registered mail.

If a petition, or an amended petition, is certified as insufficient and the petitioners' committee does not elect to amend or request a Board review under Section C within the time required, the Manager, or designee, shall promptly present the certificate as to sufficiency to the Board. That certificate is then the final determination as to the sufficiency of the petition or amended petition.

2. **Board Review** - If the amended petition has been certified insufficient and the petitioners' committee does not file a notice of intent to amend it, or if an amended petition has been certified insufficient, the committee may, within five (5) working days after receiving a copy of such certificate, file a request with the Manager that the certification as to insufficiency be reviewed by the Board. The Board shall review the certificate at its next meeting following the filing of such request, and approve or disapprove it. The Board determination shall be the final determination as to the sufficiency of the petition.
3. **Court Review** - Final determination of the insufficiency of a petition shall be subject to review by the Court of Common Pleas of Chester County, provided that a petition for such review shall be filed within ten (10) days of the Board's final determination. Failure to file such petition within ten (10) days shall remove jurisdiction from the court.
4. **Referendum Petitions: Suspension of Ordinance** - When a referendum petition is filed with the Manager, the ordinance sought to be reconsidered shall be suspended

from taking effect, or suspended if already in effect. Such suspension shall terminate when:

- a. There is a final determination by the Board of the petition's insufficiency;*
- b. The petitioners' committee withdraws the petition;*
- c. The Board repeals the ordinance in question; or*
- d. The results of the election provided for in Section F are certified to the Board.*

E. Action on Petitions

1. **Action by the Board** - When either an initiative or referendum petition has been finally determined sufficient, the Board shall promptly consider the proposed initiative ordinance by voting whether to adopt it, or reconsider the referred ordinance by voting whether or not to repeal it.
2. **Submission to Voters** - If the Board fails to adopt the proposed initiative ordinance without substantive change within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days after the respective petition was finally determined sufficient, the Board shall submit the proposed or referred ordinance to the voters of the Township.

The vote of the Township on a proposed or referred ordinance shall be held at the next primary, municipal or general election not less than sixty (60) days from the date of the final Board vote thereon. Copies of the full text of the proposed or referred ordinance shall be posted no less than ten (10) days before the election and be conspicuously displayed at the polling place prior to the opening of the polls.

3. **Withdrawal of Petition** – An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15) day preceding the election by filing with the Manager a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such withdrawal the petition shall have no further force or effect and all proceedings shall be terminated.

F. Results of Elections

1. **Initiative** - If a majority of those voting on the proposed initiative vote in its favor, it shall be considered adopted upon certification of election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Board. If conflicting ordinances are approved in the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
2. **Referendum** - If a majority of those voting on a referred ordinance vote against it, it shall be considered repealed upon the certification of the election results.

Section 8.04 *Limitations on Initiative and Referenda*

- A. **Default of Initiative and Referendum.** Any ordinance proposed or sought to be reconsidered which is rejected by the qualified voters in an election cannot be resubmitted for referendum or initiative for a period of two (2) years from date of election where it was defeated.
- B. **Repeal or Modification by the Board.** The Board shall take no action to repeal or materially modify an ordinance adopted by initiative and or reenact an ordinance repealed by referendum within a period of two (2) years from the date of the election at which the ordinance was approved or repealed.
- C. **Initiative and Referenda Limits.** No more than two (2) initiatives and two (2) referendum measures may be placed on the ballot at any election. The first two (2) initiative and referendum measures which are filed with the Township manager pursuant to Section 8.03 will be the only ones allowed on the ballot.

The powers of initiative and referendum shall not extend to legislation regarding the budget or capital programs; to the appropriation of money; to the levy or increase of taxes, except initiatives by the Board as set forth in Article 4, Section 4.01 of this Charter; to the salaries of public officials, officers or employees of the Township; or to municipal planning under the provisions of the Pennsylvania Municipalities Planning Code 53 P.S. § 10101, *et seq.* The power of referendum shall not extend to any emergency ordinances or to any ordinance currently proposed by initiative.

Section 8.05 *Amendment of This Charter*

This Charter may be amended by an initiative introduced by ordinance or by petition of the voters of the Township in conformity with the provisions of the Pennsylvania Home Rule Charter and Optional Plans Law, 53 Pa.C.S. § 2901, *et seq.*, as amended from time to time. Any changes in the form of government as set forth in this Charter may not be submitted to the voters sooner than two (2) years after the date on which this Charter is approved.

Section 8.06 *Petition to Request Removal of Elected Official by Governor*

Any person holding elective office in the Township, whether by election, succession or appointment to fill a vacancy, shall be subject to this section.

- A. **Petition.** A petition to request removal of an incumbent to elective office shall be initiated upon a petition signed by at least twenty (20) percent of the registered voters of the Township. Each petition to request removal shall name the office and officer against whom it is directed and state with specificity the grounds on which it is based. Each registered voter shall affix his signature, residence address and the date of signing. Signatures may be on multiple pages, but each page must have appended to it an affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief that the persons whose signatures appear on that sheet are registered voters of the Township, that they signed with full knowledge of the petition's contents, and that their residences are correctly listed.

- B. **Certification.** Within sixty (60) days from the date of the first signature on the petition, the petition must be tendered to the Manager or designee who shall, within fifteen (15) days thereafter, pass on the validity of the petition and on the validity and sufficiency of the signatures thereon. If the petition is deemed sufficient then it shall be forwarded to the Governor of the Commonwealth of Pennsylvania, along with a copy of this section of the Charter, and a request that he institute proceedings as prescribed by Article VI, Section 7 of the Constitution of the Commonwealth of Pennsylvania, to remove the identified elected official from office. A notice shall be posted and published by the Township indicating the substance of the petition and the date the petition was forwarded to the governor.

Should the Manager or designee determine the petition to be in any way deficient, notice of the specific deficiency or deficiencies shall be immediately posted by the Township. Any interested party may then seek to correct the stated deficiency or deficiencies, and tender an amended petition to the Manager or his designee within twenty (20) days of the publication by the Township of any deficiency. Should there be no timely correction made, the petition shall be deemed null and void. The decision of the Manager or his designee is final and binding. Any petition filed pursuant to this section shall be amended but once.

- C. **Notification.** Immediately after the Manager or designee shall receive a petition, the Manager or designee shall notify the individual named in the petition that such petition has been filed. The Manager or designee shall notify the named individual when a determination is made as to the sufficiency of the petition; and if the petition is deemed sufficient, a copy of the request to the governor shall be given to that individual.
- D. **Limitations.** No person who has been removed from elective office because of state action pursuant to a petition to request removal, or who has resigned from such office after a valid and sufficient petition to request removal has been forwarded to the governor under this section, shall be eligible for election or appointment to any office of, or employment by the Township within two (2) years after the effective date of his removal or resignation.

No petition to request removal shall be filed against any individual of an elective office within the first year or the last year of the term of his office, or within nine (9) months after a prior petition to request removal has been first filed with the Manager. However, an individual who has been re-elected for a successive term shall be subject to a petition to request removal during the first year of such term.

Article IX.

Transition

Section 9.01 *Supervisors*

Supervisors in office on the day this Charter becomes effective shall continue in the office for the remainder of the staggered terms to which they were elected and shall have all the powers, duties and benefits as set forth in this Charter.

Section 9.02 *Employee Rights and Privileges*

The rights and privileges of Township employees at the time this Charter is adopted shall not be impaired or affected unless said rights and privileges are inconsistent with this Charter. Any employee holding a position in the Township government at the time this Charter takes effect, and any employee thereafter hired by the Township, shall be subject to the personnel system set forth in the Code, except for employees covered by any collective bargaining agreement with the Township. Those employees shall be subject to the personnel system in the Code insofar as it does not conflict with the applicable collective bargaining agreement.

Section 9.03 *Boards, Commissions, Authorities and Other Agencies*

All appointed members of boards, commissions, authorities, agencies or committees of the Township in office on the day this Charter becomes effective shall continue with the same or similar bodies for the remainder of their original appointment. However, nothing in this section shall limit the right of the Board to create, modify or abolish boards, commissions, authorities, agencies or committees of the Township.

Section 9.04 *Pending Matters*

All actions and proceedings of a legislative, executive, or quasi-judicial character, which are pending upon the effective date of this Charter shall be maintained, carried on, or dealt with by the elected or appointed Township official, department head, administrative officer, board, commission, or authority appropriate under this Charter. All Township ordinances, resolutions, rules, and regulations which are in force on the effective date of this Charter and which are not inconsistent with any provisions of this Charter shall continue in force unless amended or repealed.

Section 9.05 *Continuance of Contracts, Public Improvements and Taxes*

All contracts entered into by the Township, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments, levied or assessed, all fines and penalties imposed, and all other

obligations owing to the Township which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

Section 9.06 *Temporary Ordinances*

The Board may adopt, within sixty (60) days after the date this Charter takes effect, temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government. Any temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances in this Charter. All temporary ordinances, and subsequent amendments made following adoption of the original temporary ordinance, shall be automatically repealed as of the ninety-first (91) day following the date the temporary ordinance was adopted. It shall not be re-adopted, renewed or otherwise continued unless adopted in the manner prescribed in Article 4, Section 4.03 of this Charter for ordinances of the type concerned.

Section 9.07 *Transition Committee*

To aid in the orderly transition to this new Charter, the Board shall, within thirty (30) days after certification of adoption of this Charter, appoint a Transition Committee of at least nine (9) members comprised of representatives from the Board, the Government Study Commission, Township administrative staff, Township residents, and such other persons as the Board shall select, to draft, *inter alia*, the Code, and such other rules, regulations and ordinances required by this Charter. The Code shall be proposed by the Board within twelve (12) months from the date the Transition Committee is formed, and it shall be adopted as an ordinance within eighteen (18) months after the Transition Committee is formed. Those provisions of the Second Class Township Code which are not inconsistent with this Charter shall remain applicable to West Pikeland Township until the adoption of the Code, at which time they shall cease to apply.

Section 9.08 *Effective Date*

This Charter shall become effective January 1, 2009.