Final Report and Recommended Home Rule Charter of the City of Duquesne Government Study Commission

July 2026

My Fellow Citizens of Duquesne,

For generations, this city was the literal backbone of American industry, defined by the Duquesne Steel Works and the towering presence of the Dorothy Six blast furnace. It was a place where raw materials were transformed into the steel that built America and other countries across the globe.

When the mills went cold, Duquesne didn't disappear; it began the long, hard work of reinvention. The resilience to endure tough transitions and the determination to build something new from the ground up is what defines us. The people of Duquesne prove that true strength isn't just about standing tall during the boom times; it's about how you adapt, pivot, and rebuild when the landscape changes. Today, our local government faces its own version of industry shifts and economic transitions, demanding that same spirit of forward-thinking transformation.

In November 2024, the voters of the City of Duquesne elected to create a Government Study Commission to review the current operations of our city government. The final question posed by this study was to determine whether the residents of Duquesne could be better served by the City becoming a Home Rule municipality.

After a comprehensive nine-month review of Duquesne's current governmental structure, the Commission concluded that transitioning from the constraints of the Third-Class City Code to a Home Rule Charter would best serve the long-term interests of our community.

The Commission's work was grounded in research, interviews with officials from comparable municipalities, and the direct experience of members who have served in Duquesne's government. This process revealed that while the existing system provides a functional foundation, it limits the City's ability to respond flexibly to financial, administrative, and community needs.

This Proposed Home Rule Charter will serve as a structural framework for the future. The Charter retains the best features of the City's present form of government, including our system of electing the Mayor and City Council, while introducing critical modernizations highlighted by greater accountability and citizen empowerment, enhanced transparency and local flexibility.

The question of adopting this proposed Charter will appear on the ballot at the general election on November 3, 2026. Every Duquesne citizen is strongly encouraged to review this Final Report and Charter so that your vote is fully informed.

The members of the Commission believe the adoption of this Charter is in the best interests of the future of the City of Duquesne and enthusiastically and unanimously recommend that the citizens of Duquesne vote to adopt the proposed Home Rule Charter on November 3, 2026.

Respectfully submitted,

Kirsten A. Pastrick, *Chair, Duquesne Government Study Commission*

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City of Duquesne Government Study Commission

Elected Nov. 5, 2024

Commission Members	Staff
Kirsten Pastrick, chair	Pennsylvania Economy League (PEL), consultant
Candice Butler, vice chair	George Dougherty, Ph.D., Evaluation Resources/PEL
Burton Comensky, secretary	Lynne Shedlock, Director of Operations, PEL
Derek Artim	Patricia Moorhead, Director of Financial and Data Analytics, PEL
Denise Brownfield	Myron Sainovich, Esq., Solicitor, City of Duquesne
Connie Lucas	
Elaine Washington	
Meetings	
2025: 11 Regular Meetings	
2026: 7 Regular Meetings, 1 Public Hearing, 1 Public Forum	

Ballot Question

The following ballot question and plain English statement will be placed on the ballot November 3, 2026, for your approval.

City of Duquesne Home Rule Referendum

Shall the Home Rule Charter Contained in the Report, dated July 20, 2026, of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the City of Duquesne?

A “yes” vote means that you are voting to adopt the proposed Home Rule Charter for the City of Duquesne, which will change the existing form of government. A “no” vote means you favor retention of the present form of government.

YES

NO

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Purpose of City of Duquesne Home Rule and Summary of Recommendations

The Commonwealth of Pennsylvania authorizes multiple forms of municipal government, including counties, townships, boroughs, and cities. The City of Duquesne is currently classified as a Third Class City and operates under the Third Class City Code, commonly referred to as a Council form of government.

As a Third Class City, Duquesne may only undertake actions and perform functions expressly authorized by the Third Class City Code and other applicable state laws.

The Pennsylvania Constitution and state law provide municipalities with the option to adopt an alternative form of governance known as Home Rule. A Home Rule municipality is granted broad authority to exercise any powers not expressly prohibited by the U.S. Constitution, the Pennsylvania Constitution, or the Pennsylvania Legislature. This structure provides significantly greater local autonomy and flexibility in governance.

In accordance with the Pennsylvania Home Rule Charter and Optional Plans Law, Duquesne residents voted in 2024 to establish a Government Study Commission. The Commission was charged with reviewing and evaluating the City's current governmental structure, examining alternative models, and determining whether the existing structure serves the best interests of residents. The Commission was also tasked with recommending any changes for voter consideration through referendum.

Following a nine-month study period, the Government Study Commission concluded that it would be in the best interest of Duquesne's residents to transition from a Third Class City under the Third Class City Code to a Home Rule Charter municipality. The Commission approved the development of a proposed charter to implement this change.

Commission members modeled the proposed government structure on the existing Third Class City framework, incorporating certain modifications and improvements. The goal was to create a system that promotes accessibility, transparency, sound fiscal management, public health and safety, and enhanced local control.

The proposed Home Rule Charter includes significant improvements in four key areas:

1. Budgetary and financial processes
2. Government accessibility and transparency
3. Organizational structure, including the elimination of one elected office and formal recognition of the City Manager position

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4. Expanded citizen participation through petition and referendum powers

Key provisions of the proposed charter include:

- Implementation of a five-year capital budgeting process, along with a more comprehensive and publicly engaged approach to annual budget adoption
- Elimination of the elected Controller position
- Requirement for the City Manager to provide monthly and annual public financial reports to City Council
- Expanded authority for residents to propose, adopt, or repeal ordinances through Council action or referendum
- Introduction of taxpayer protections that limit annual tax revenue growth while allowing flexibility to maintain and improve municipal services

Government Structures Maintained

- Appointed City Manager
- Elected City Treasurer
- Elected City Mayor
- Four-Member Elected City Council

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Summary of Proposed City of Duquesne Home Rule Charter Structure

Article I — General Powers

- Grants maximum local self-government authority ("all powers not denied").
- Requires broad interpretation in favor of the City.
- Allows intergovernmental cooperation explicitly.

Article II — Mayor And City Council

- Four City Council members plus Mayor sits as voting member and president.
- All elected at-large.
- No veto power for mayor.
- Mayor is limited executive:
    - Supervises police.
    - Cannot independently direct staff (must act with council).
- All power is vested in council collectively.
- Mayor integrated into legislative body.
- Strict forfeiture rules (attendance, misconduct).
- Virtual participation is allowed.
- Fixed low compensation with limits on increases.

Article III — City Solicitor

- Appointed by mayor, serves at pleasure of council.
- Centralized legal authority; departments cannot hire outside counsel without approval.

Article IV — City Treasurer

- Retains elected treasurer but adds flexibility:
    - Council may appoint or outsource treasurer duties.
    - Manager may temporarily assume functions.
- Adds professional qualification requirements (accountant, tax collector).

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Article V — City Manager

- Creates professional City Manager (chief administrative officer).
- Handles:
  - Daily operations
  - Personnel
  - Budget preparation
  - Contract negotiation
- Reports to council

Article VI — Authorities, Boards, Commissions

- Council controls:
  - Creation
  - Powers
  - Abolition by ordinance
- Emphasis on citizen participation and reporting requirements.

Article VII — Budget And Finance

Budget Process

- Manager prepares budget, not mayor.
- Requires:
  - Balanced budget
  - Five-year capital program
  - Detailed financial reporting
  - Public hearings and Q&A summaries

Financial Controls

- Independent auditor required.
- Monthly reporting to council.
- Formal capital planning process.

Article VIII — Ordinances and Resolutions

- No mayoral veto.
- Requires:

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    - Two readings
    - Public notice and publication
- Allows emergency ordinances with sunset limits

Article IX — Citizen Petition & Referendum

- Introduces robust direct democracy tools:
    - Initiative (propose ordinances)
    - Referendum (repeal ordinances)
    - Citizen-initiated special meetings

Article X — Administrative Code

- Requires adoption of a comprehensive Administrative Code within 18 months.
- Defines:
    - Departments
    - Personnel systems
    - Procedures

Article XI — Transition

- Abolishes elected Controller.
- Creates transition committee.

SUMMARY OF MAJOR STRUCTURAL SHIFTS

Area	Third Class City Code	Proposed Charter
Powers	Limited by statute	Broad home rule
Executive	Strong mayor	Limited mayor + council
Administration	Fragmented	Professional Manager
Legislature	Council + mayor veto	Unified council (no veto)
Finance	Mayor-led	Manager-led, structured
Row Officers	Multiple elected positions	Reduced / flexible
Citizen Role	Limited	Initiative + referendum
Flexibility	Low	High local control

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Commission Study Process

The Commission held its first official meeting on Feb. 24, 2025, at 6:30 pm in Duquesne City Council Chambers in City Hall. The meeting served as an organizational session at which nominations and elections of the Chair, Vice Chair and Secretary occurred. The Commission also set its meeting date as the third Monday of the month at 6:30 p.m. in Duquesne City Hall.

Other items on the agenda included discussion and approval regarding the appointment of the Pennsylvania Economy League Central (PEL), a non-profit public policy organization, which was hired under the terms of a Commonwealth Grant. PEL assisted in the education of commission members on the study process, charter drafting process, government structure options, and local government financial and tax information.

Commission members interviewed a wide range of elected and appointed current and former officials from municipalities including Braddock, Wilkinsburg, Altoona, and Clairton to determine strengths, weaknesses, challenges and opportunities of the Third Class City Code and other forms of government. In addition, the Commission was able to draw on the direct experience of its members, with three serving as Duquesne City Council members.

On August 18, 2026, the Commission voted to proceed with drafting a Home Rule Charter for the City of Duquesne. In drafting the charter, the Commission decided to use the general format of the Third Class City Code structure while making improvements based upon their study. The process involved achieving consensus for charter language at Commission meetings. The Commission held one public hearing and another public forum to gather input prior to approving the Home Rule Charter and Final Report on July 20, 2026.

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List of Resources Used

The City of Duquesne Government Study Commission and Duquesne City Council hired the Pennsylvania Economy League for consulting services at a cost of $4,000 per month throughout the engagement. In addition, the commission approved a budget of $10,000 for additional expenditures.

Funds were provided by the City of Duquesne and a state Department of Community and Economic Development grant. All expenses have yet to be determined but will fall within approved limits.

The City of Duquesne also provided in-kind contributions including printing, solicitor services, website posting, and the use of City of Duquesne Council Chambers for meetings.

Vendor	Type	Spending to date July 2026
PA Economy League	Consultant	$68,000.00
Mon Valley Independent	Legal Advertising	$324.20
Christ Lutheran Church	Two Public Meetings	$200.00
City of Duquesne	City Council Chambers, printing, solicitor	In-Kind

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Certification

We, the members of the City of Duquesne Government Study Commission, being duly sworn according to law, depose and say the foregoing statement of funds, goods, materials, services and suppliers used by the City of Duquesne Government Study Commission is correct to the best of our knowledge and belief.

City of Duquesne Government Study Commission

X

Kirsten Pastrick
Chair

X

Candice Butler
Vice Chair

X

Burton Comensky
Secretary

X

Derek Artim

X

Denise Brownfield

X

Connie Lucas

X

Elaine Washington

Master Charter Draft Duquesne Government Study Commission

PREAMBLE

We, the Citizens of Duquesne, have the privilege, right and responsibility to participate in all aspects of our government and have come together with a desire and willingness to improve our local government through the enactment of this Charter. This Charter will guide our city's leaders through all aspects of government and will establish a more accessible, ethical and transparent government for our citizens. This Charter will help the financial aspects of the City of Duquesne now and for future generations. We, the Citizens of Duquesne, agree to uphold and enforce the principles embodied in this Charter with the full force of the law.

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Article I GENERAL POWERS

§ 1.1 Name

The City of Duquesne shall be a municipal corporation under the name, "City of Duquesne." As used in this Charter, the word "City" shall mean the City of Duquesne in Allegheny County, Pennsylvania.

§ 1.2 Boundaries

The City's boundaries shall remain as they are on the effective date of this Charter unless otherwise changed by actions under applicable law.

§ 1.3 Authority

Pursuant to the Constitution of Pennsylvania and the Home Rule Charter and Optional Plans Law, Act 177 of 1996, as amended, the City of Duquesne shall have and may exercise all powers and authority of local self-government and shall have complete powers of legislation and administration in relation to its municipal functions, including any additional powers and authority which may hereafter be granted to it.

§ 1.4 Grant of power

The City shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania, or by this Charter.

§ 1.5 Exercise of powers

All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by the Administrative Code, ordinances or resolutions of the City Council.

§ 1.6 Construction

(c) Powers. The powers of the City under this Charter shall be construed broadly in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

(c) Severability. If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Charter, but shall be limited in its effect and operation to the particular provision involved.

(c) Titles. In the interpretation of this Charter, the titles shall be used to explain and understand the purposes of any given chapter or section.

§ 1.7 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, the Commonwealth of Pennsylvania or civil divisions or agencies thereof, or the United States of America or any division or agency thereof.

§ 1.8 Requirement to Act

Elected officials shall always act in accord with the provisions of this Charter. Upon petition of ten (10) qualified City electors, the Alleghany County Court of Common Pleas may compel elected official(s) to perform their obligations under this Charter, including budget and related tax ordinances and fee resolutions and may enter such other orders as necessary to assure the continued operation of the City and the provision of vital and necessary services.

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Article II MAYOR AND CITY COUNCIL

§ 2.1 General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law and this Charter. The powers of the City under this Charter shall be construed liberally in favor of the City, and the Charter shall not be construed as limiting in any way the general power stated in this article.

§ 2.2 Composition and Method of Election

The Council shall be composed of four (4) members and a Mayor elected at large by the voters of the City. The Mayor shall serve as the President of Council and shall have the same rights and duties, including introducing ordinances, resolutions and making motions, as pertains to other council members.

§ 2.3 Qualifications

Only qualified voters of the City who have resided continuously in the City for one (1) year immediately prior to the date of the general election for Council shall be eligible to hold the office of City Council member or Mayor. A council member and Mayor shall be at least eighteen (18) years of age by the date for filing of a nomination petition for the primary election or by the date for filing of the nomination petition for the general municipal election.

§ 2.4 Election, Term of Office, and Limitation on Terms

(a) The regular election of Council members shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania.

(b) The terms of Council members and the Mayor shall begin on the first Monday of January following the municipal general election and shall be for four (4) years. Elections for council office shall be staggered.

§ 2.5 Requirements of Office

Prior to taking their seat on Council, each duly elected Councilmember shall take an oath of office. Before being sworn into the office of council or mayor, an individual elected must present a signed affidavit to the City Clerk certifying that the individual is qualified in accordance with this Charter. The format for the oath shall be “I swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I shall discharge the duties of my office with fidelity” or such

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other oath as Council may prescribe. The oath or affirmation may be taken and signed before any judge, notary, or district justice of the Commonwealth of Pennsylvania. No person shall be permitted to assume such office until the oath, in written form, has been filed with the City Clerk

§ 2.6 Council Organization

(a) Council shall meet and organize on the first Tuesday of January following the regular municipal election, unless it is a legal holiday in which case the organizational meeting shall be held the first day following. The Mayor shall preside at the organizational meeting. When the organizational meeting follows a regular mayoral election, the City Clerk or Solicitor may preside at the organizational meeting until the Mayor takes their seat on Council.

(b) Council members may be assigned by the Mayor to specific areas of public interest to assist and coordinate with the City Manager regarding the provision of public services including and not limited to

a. accounts and finance;

b. public safety;

c. streets and public works;

d. community and economic development;

e. water.

(c) Council members may participate in professional development activities, professional associations, and multi-municipal or regional organizations with approval by council.

§ 2.7 Mayor

(a) The Mayor shall serve as Chair of Council.

(b) As supervisor of the Police Department, the Mayor shall execute and enforce the ordinances of the city and all general laws applicable to the ordinances.

(c) The mayor shall appoint the Police Chief with the advice and consent of City Council.

(d) The mayor shall submit an annual report to Council and the public that includes recommendations to improve efficiency of the city government and any other recommendations the Mayor deems to be in the public interest.

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(e) The Mayor shall facilitate the faithful execution of all laws, provisions of this Charter, and acts of the City Council. However, the Mayor may not direct any employee and/or official of the City, including the City Manager, and must act with Council, as a body, to direct the City Manager.

(f) If the Mayor determines that a state of emergency exists, the Mayor may issue a proclamation of emergency in writing declaring a state of emergency. The Mayor shall provide notice of the contents of the proclamation to Council and to publicize the proclamation to the residents.

(g) The Mayor may participate in professional development activities, professional associations, and multi-municipal or regional organizations with approval by council.

(h) Upon the issuance of a proclamation of emergency complying with Section 2.7.(e), the following shall apply:

a. The state of emergency shall not exceed twenty four (24) hours, unless extended by majority vote of Council at a special or a regularly scheduled meeting.

b. In the case of a citywide or site-specific emergency, the Administrative Code shall provide for procedures that temporarily modifies procedures pertaining to the incurring of obligations and the employment of temporary workers unless those modifications are prohibited by this charter or by applicable law.

c. The Administrative Code shall provide for procedures to extend a proclamation of emergency not to exceed a period of ninety (90) days from the initial mayoral proclamation.

§ 2.8 City Clerk

At the organizational meeting City Council, by majority vote, shall appoint a City Clerk who shall give notice of Council meetings to its members and the public; take minutes of all City Council meetings; keep the minutes of its proceedings; serve as Secretary to Council; and perform such other duties as are assigned by the Administrative Code, the Council or state law.

§ 2.9 Quorum

A quorum shall be three (3) members of Council, at least two (2) physically present at the designated meeting place in order to conduct the business of Council.

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§ 2.10 Prohibitions

A Councilmember or Mayor shall not:

(a) hold an elected office of the United States.

(b) hold an elected office of the Commonwealth; except notaries public or officers of the militia.

(c) hold an elected office of the County.

(d) hold an elected office of a school district located in the City.

(e) serve as an officer or employee of the City.

§ 2.11 Forfeiture of Office

A member of Council and the Mayor shall forfeit their office if the member:

(a) Lacks at any time during the term of office, any qualification or requirement for the office prescribed by this Charter or by law;

(b) Violates any express prohibition of this Charter;

(c) Is convicted of or pleads guilty to during their term of office of any crime classified as a misdemeanor of the second class or higher under the laws of the Commonwealth of Pennsylvania or the United States; or be convicted of any comparable crime under the laws of any other state in the United States.

(d) Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully.

(e) Commits misfeasance in office (abuse or misuse of public powers), which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner.

(f) Abandons office by missing three (3) consecutive council meetings, exclusive of workshops, for reasons other than short-term medical incapacity.

(g) In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council prior to the Council meeting at which such forfeiture is to be acted on in accordance with procedures set forth in the Administrative Code.

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§ 2.12 Vacancies

(a) The office of Council member shall become vacant upon: death of the member, resignation, removal from office in any manner authorized by law, or forfeiture of office. A vacancy in the Council shall be filled by a majority vote of the remaining members of Council.

(b) If the Council fails to act within 30 days following the next Council meeting after the occurrence of the vacancy, the President Judge of the Court of Common Pleas of Allegheny County shall, upon petition of two members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City regardless of the political affiliation of the vacated Council member.

(c) A person appointed under subsection (a) or (b) shall serve for the lesser of the following periods:

i. For the remainder of the unexpired term of the council member whose office has become vacant.

ii. Until the first Monday of January after the next municipal general election occurring at least two hundred days after such vacancy occurs.

(d) The appointed individual shall meet all of the qualifications and requirements of office as provided for in this Charter and by applicable law.

§ 2.13 Participation by Telecommunication/Electronic Devices

Council members and the Mayor are expected to attend meetings in person except during extenuating circumstances. A member of Council may participate in Council meetings by means of telecommunication devices, such as telephones or electronic terminals, which permits, at a minimum, audio communication between locations, if all of the following conditions apply:

(a) Two members of Council then in office are physically present at the advertised meeting place within the City and a quorum is established at the convening or reconvening of the meeting.

(b) The telecommunication device used permits the member and members of Council physically present at the meeting to:

i. speak to and hear the comments and votes, if any, of the members of Council who are physically present, as well as other members of

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Council who may not be physically present and are also using a telecommunication device to participate in the meeting; and

ii. speak to and hear the comments of the public who are physically present at the meeting.

(c) The telecommunication device used permits the members of Council and the members of the public who are physically present at the meeting to speak and hear the comments and the vote, if any, of the member or members of Council who are not physically present at the meeting.

(d) Council may provide additional provisions for participation by telecommunication in the Administrative Code.

§ 2.14 Mayor and Council Compensation

(a) Council members shall be eligible to receive an annual salary of $3,000 for their service on Council. The Mayor shall receive an additional $1,000 for their service as President of Council and supervisor of the Police Department.

(b) A Council member may receive reimbursement for expenses paid by them in the performance of their duties, such as parking, education, training and transportation expenses as authorized by Council. Council members may not receive any additional benefits from the City, including health insurance, life insurance, or automobile allowances.

(c) Council may by ordinance vote to increase compensation for elected officials with the following limitations:

a. Compensation increases shall be no larger than ten percent (10%) of rates at the time of the vote;
b. No increase shall be passed within five (5) years of the most recent compensation increase; and
c. The newly approved compensation increase shall not become effective until the January after two (2) general elections.

§ 2.15 Procedures

(a) **Rules.** Council shall determine its own rules and Order of Business. Such rules shall be designed to assure full and equal participation in the deliberations of the Council by all of its members.

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(b) **Meetings.** Council shall hold a regular meeting at least once each month in the evening no earlier than 6:00 PM local time on a day and place as the Council may prescribe.

(c) **Special meetings.** Special meetings for a specific purpose or general purpose may be held on the call of the President of Council, or by at least two (2) members of Council, requesting in writing to the City Clerk, at such time and place and under such conditions as the Council may prescribe by rule. In addition to any public notice required by applicable law, a twenty-four (24) hour notice of a special meeting shall be given to each member. Notice of a special meeting shall state the nature of the business to be conducted at the meeting.

(d) **Meetings open to the public**. All meetings shall be open to the public, except executive sessions as authorized by law. The public shall be notified of meetings in executive session in accordance with state law.

(e) **Official actions** of the Council may be taken by adoption of an ordinance, a resolution, or a motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Council shall be by resolution or motion, unless otherwise required by applicable law, in this Charter, or in the rules of Council procedure.

(f) **Voting**. All action shall be at a public session; and shall require a majority vote of Council members participating in the meeting. Voting shall be by ayes and nays except for votes on resolutions and ordinances which shall be by roll call vote, and the vote of each member shall be entered into the minutes of the meeting.
The Council shall provide for keeping of minutes of its proceedings. The minutes shall be a public record and shall be maintained in the office of the City Clerk.

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Article III CITY SOLICITOR

§ 3.1 General Powers and Duties

The City Solicitor shall be the chief lawyer for the City and shall have the direction and control of all legal matters of the City.

§ 3.2 Qualifications

The Solicitor must be a member of the Pennsylvania Bar and licensed as an attorney in Pennsylvania and experienced in municipal law. The Solicitor may be an individual or a firm.

§ 3.3 Term of Office

The Solicitor shall be nominated by the Mayor and approved by a majority vote of City Council members present at a public meeting and shall serve at the pleasure of a majority of Council**.** The Solicitor's term of appointment will be concurrent with the term of the nominating Mayor unless Council terminates the appointment by a majority vote.

§ 3.4 Direction of Legal Matters

The Solicitor shall have the direction and control of the legal matters of the city. Unless authorized by Council, a department of the city may not employ or retain any additional counsel in any matter or cause.

§ 3.5 Compensation

The compensation of the City Solicitor shall be as determined and fixed by Council in the annual budget ordinance.

§ 3.6 Powers and Duties of the Solicitor

(a) Represent the City with the City as the client and serve as the chief legal advisor to the Mayor, Council, and all City departments, offices and agencies with the exception of the Zoning Hearing Board which shall have independent counsel.

(b) Oversee, as approved by Council via resolution or ordinance, the preparation of all bonds, obligations, contracts, leases, conveyances and assurances to which the City or a City department is a party.

(c) Oversee litigation by or against the City or a City officer, in the City officer's official capacity, including:

i. Filing of a municipal claim or lien;

ii. Administrative practices.

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(d) Perform any action incident to the office which the City Solicitor may be lawfully authorized and required to do by the Council, the Mayor or by the Administrative Code, or any ordinance or resolution of Council.

(e) The City Solicitor shall provide written opinions on questions of law submitted by any of the following:

i. City Council

ii. The Mayor.

iii. Any City official appointed by the Mayor, approved by Council and authorized to request a written legal opinion.

(f) Council may provide for the regulation of the manner in which questions are presented to the Solicitor by any elected or appointed City official and may limit the questions submitted in the manner Council may direct.
Perform such other duties as may be required by the Council, as prescribed by law, by this Charter, or by the City Administrative Code.

§ 3.7 Assistant Solicitor

Council may appoint one or more assistant city solicitors to assist the City Solicitor in the performance of all duties and shall provide for the compensation of assistant solicitors by ordinance.

§ 3.8 Special Counsel

Council may vote, as it deems necessary, to employ the services of special legal counsel to assist the City Solicitor or to advise or represent the City or any of its officials or official bodies or agencies in any legal matter and shall provide for the compensation of special counsel by resolution.

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Article IV CITY TREASURER

§ 4.1. Qualifications

The qualifications for the office of city treasurer shall be as

follows:

(a) An individual must be a competent accountant.
(b) An individual must be at least 21 years of age.
(c) An individual must be a resident of the city for at least one year before the individual's election.
(d) Before being sworn into office, an elected city treasurer must present a signed affidavit to the city clerk certifying that the individual is in accordance with the requirements under paragraph (3).
(e) An elected city treasurer must reside in the city throughout the city treasurer's term of office.
(f) An individual must be a qualified tax collector or, in the case of an individual appointed to fill a vacancy in the office of treasurer, become a qualified tax collector, in accordance with the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

§ 4.2. Bond, insurance and salary

(a) **Conditioning.** The city treasurer shall provide lawful fidelity bond, covering the full term of office, for the faithful performance of official duties, including duties as tax collector of city, county, institution district and school taxes. In addition to being subject to other conditions as council may direct, the bond of the city treasurer shall be conditioned upon the following:
   i. The accounting for and paying over of all money received as city treasurer.
   ii. The accounting for and paying over of all money received, including taxes, penalties and interest, as tax collector of city, county, institution district and school taxes.
   iii. The safekeeping and paying over of all public money entrusted to the city treasurer's care.

(b) **Required bonds.** Except as provided for in paragraph (2), council may require the following bonds from the city treasurer:

   i. A bond for the faithful performance by the city treasurer of official duties other than those of tax collector.

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ii. A bond covering the duties of the city treasurer as collector of city, county, institution district and school taxes.

iii. In lieu of the bond required for the faithful performance by the city treasurer of official duties other than those of tax collector under paragraph (1)(i), council may purchase insurance that covers the same events of loss and insures the city against the same misconduct as the bond under paragraph (1)(i) in compliance with this chapter.

(c) **Liability discharged**. The city treasurer and the city treasurer's surety shall be discharged from further liability on any bond as tax collector if:

(1) the tax items contained in the duplicates delivered to the city treasurer under section 4.2.2 (relating to delivery of duplicates of taxes) have been:

(i) collected and paid over;

(ii) assigned to third-party assignees;

(iii) certified to council for entry as liens in the office of the prothonotary or as claims in the tax claim bureau; or

(iv) returned to the county treasurer or city treasurer for sale; or

(2) in the case of taxes not levied upon real estate, a record of the taxes which remain uncollected has been filed with the tax authority.

(d) I**nsurance protection.**--Council may require the city treasurer to be covered by insurance protection in accordance with section 10907(c) (relating to surety bonds, insurance and premiums).

(e) **Bond insurance petition**.--

(1) The taxing district may petition the court of common pleas having jurisdiction in the city to have the city treasurer furnish an additional bond and insurance. Upon petition, the city treasurer shall furnish an additional bond and insurance as the court may prescribe. The premium on the bond and insurance shall be shared on a pro rata basis by the taxing districts interested, according to each taxing district's respective tax interests under the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

(2) The city treasurer shall not be required to provide bond and insurance in an amount in excess of the taxes to be collected by the treasurer. The bond and insurance provided by

the city treasurer shall be for the use of the city and the taxing districts involved.

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(f) **Salary**. The city treasurer shall receive a fixed annual salary as provided by ordinance. The salary as a tax collector for the city, county, institution district and school district shall be as provided under the Local Tax Collection Law.

§ 4.2.1. City treasurer to be tax collector

Except as otherwise provided by the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, the city treasurer, by virtue of the city treasurer's office, shall be the collector of the city, county, school and institution district taxes assessed or levied in the city by the proper authorities in the city. As tax collector, the city treasurer shall maintain and keep an office which may be the same as that of the city treasurer for the purpose of receiving taxes during regular business hours.

§ 4.2.2. Delivery of duplicates of taxes

(a) Duplicate delivery.--

(1) Not later than 30 days after the adoption of the budget or not later than 30 days after receipt of the assessment roll from the county, whichever is later, council and county and county institution district authorities shall compile and deliver the duplicates of taxes assessed to the city treasurer to be collected.

(2) The proper school authorities shall compile and deliver the school duplicates of taxes in the city at the time and in the manner provided by law.

(b) **Inspection.**--All duplicates of taxes provided to or received by the city treasurer shall be open to proper inspection by the public and auditing and examining officers of the city,

county or school district and shall be delivered by the city treasurer at the expiration of the city treasurer's term to the city treasurer's successor.

§ 4.2.3. Tax liens and liability for false returns

(a) **Tax liens.**--Upon the settlement of the duplicates of city, county, institution district and school taxes which by law are made a lien on real estate, the city treasurer as tax collector

shall make out schedules of the city, county, school or institution district taxes uncollected upon the duplicates, including a brief description of the properties against which the

taxes are assessed for the purpose of entering a lien or selling the properties.

(b) **Failure to collect.**--The failure of the city treasurer to collect the taxes from personal property shall not impair the lien of the taxes or affect any sale made for the collection of the taxes.

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(c) **False returns.**--If the city treasurer makes a willfully false return, the city treasurer shall be liable to any individual injured by the false return.

§ 4.3. Receipt and payment of money

(a) **Payments.**--The city treasurer shall receive all money payable to the city from the sources as council may assign. Upon request, the city treasurer shall issue a receipt to an individual making the payment. The city treasurer shall pay all documents authorizing payment duly countersigned.

(b) **Duplicates.**--All receipts for money received on behalf of the city by the city treasurer shall be numbered serially and made in duplicate. No later than the next succeeding business day, the city treasurer shall transmit the duplicates to the city controller.

§ 4.4. Method of keeping accounts

The accounts of the city treasurer shall clearly exhibit all the items of receipts and expenditures of the city, the sources from which the money is received and the objects for which the expenditures are disbursed. The city treasurer shall keep separate and distinct accounts of the receipts and expenditures of the city, including the sinking fund, each department providing a utility service and each special fund.

§ 4.5. Restrictions on money paid out

Money may not be paid out of the city treasury unless the money has been previously approved, duly authorized and appropriated by council for its intended purposes as explicitly mentioned in the document authorizing payment.

§ 4.6. Depositories of city funds

(a) **Depositories.**--The city treasurer shall keep public funds in banks or financial depositories as directed by council and under the restrictions and safeguards as provided by council. The city treasurer shall verify the city treasurer's accounts as requested by council. Public funds shall not be put at undue risk in accordance with Commonwealth law.

(b) **Liability prohibited.**--The city treasurer, acting in accordance with law, shall not be liable for the loss of city funds caused by the insolvency or negligence of any city depositories.

§ 4.7. Delivery of city property

The city treasurer shall, upon leaving office, deliver to the city or to the city treasurer's duly qualified successor all money, accounts, property or effects in the city treasurer's possession belonging to the city.

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§ 4.8. Appointment of deputy city treasurer and employees

(a) **Appointments.-**-The city treasurer may appoint the following:

(1) A deputy city treasurer who, in the case of the sickness, absence or inability of the city treasurer to act, shall have the same powers and shall perform the same duties as are imposed by law upon the city treasurer. The appointment under this paragraph shall be in compliance with the requirements of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

(2) **Employees of the city treasurer's office.** The number and compensation of the assistants shall be fixed by council.

§ 4.9 – No Elected Treasurer

(1) In cases where no Qualified Treasurer is elected to office, Council may, by a majority vote, (a) choose to appoint a qualified individual or (b) assign the duties of the Treasurer to the City Manager until a Treasurer is elected at the next general election.

(a) **Appointment**. The Council may, pursuant to the Manager's recommendation, appoint an individual or a firm as treasurer for the collection of real estate taxes and for any other monies as Council may require and subject to applicable law. A firm may be appointed through a request for proposals (RFP) process which shall include all fees and costs for services as treasurer. A city employee may be appointed tax collector. The City Manager may not be appointed tax collector.

(b) **Assignment to City Manager**. The Council may assign all duties of the treasurer to oversight of the City Manager. The City Manager shall be responsible for the collection of real estate taxes and for any other monies as Council may require and subject to applicable law.

a. **Subject to Subsequent Election**. The City Manager shall continue to oversee the duties of the treasurer until Council chooses to Appoint a treasurer or a Qualified Treasurer is elected at a subsequent municipal general election.

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Article V CITY MANAGER

§ 5.1 Office of City Manager

The office of City Manager is established with a duty to oversee the daily functions of the City government except the Police Department. The Manager may also be appointed as the City Clerk.

§ 5.2 Appointment of City Manager

The City Manager shall be appointed by a majority of Council present at a public meeting. The appointed Manager may serve at the pleasure of Council or under the terms of an employment agreement as approved by Council.

Council shall select the Manager on the basis of executive and administrative qualifications, education and experience and may give special consideration to applicants with training and experience in municipal government operation.

§ 5.3 Removal of City Manager

The City Manager shall be removed from office at a public meeting by a majority plus one of the currently serving council members. The removal of the appointed Manager shall be subject to any contractual rights under an employment agreement entered in accordance with Section 4.2 of this Charter.

§ 5.4 Powers and duties

(a) **Powers and duties generally.** Council may, by ordinance, vest in the Manager powers and duties relating to the general management of city business and to the enforcement of city ordinances and regulations. Nothing in this section shall be construed to diminish the powers granted to other city officers by law.

(b) **Specific powers.** The powers and duties conferred upon the Manager by Council include, but are not limited to, the following:

i. Appointment as chief administrative officer of the city, responsible to Council for the proper and efficient administration of the affairs of the city.

ii. Directing and supervising the administration of all departments and functions of the city, except the Police Department and as otherwise provided by law.

iii. Except as otherwise provided by this Charter, appointing city employees on the basis of merit system principles and suspending, removing or otherwise disciplining employees, in accordance with the following:

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1. The city Manager may make recommendations to Council concerning appointments or removals at the department-head level.
2. Before taking any action with regard to appointments or removals at the department-head level, the city Manager shall confer with Council.
3. Council shall confirm appointments or removals at the department-head level.

(c) Designating a qualified administrative officer of the city to perform the Manager's duties during the Manager's temporary absence or disability.

i. In the event the Manager fails or is unable to make the designation or if the absence or disability continues more than 30 days, Council may, by resolution, appoint an officer of the city to perform the duties of the Manager during the absence or disability until the Manager is able to return to work.

(d) Negotiating contracts for the city, subject to the approval of Council, making recommendations concerning the nature and location of municipal improvements and executing municipal improvements as determined by council.

(e) Ensuring that all terms and conditions imposed in favor of the city or its residents in any law, franchise or contract are faithfully kept and performed and, upon knowledge of any violation, informing Council of the same.

(f) Attending all meetings of Council and participating in discussions with Council. Nothing in this Section or this Charter shall be construed to permit the Manager to vote with Council.

(g) Recommending the adoption of measures to Council as the Manager may deem necessary or expedient, keeping council advised of the financial condition of the city and making reports to council as requested by council.

(h) Investigating, at any time, the affairs of any officer or department of the City that is under the Manager's jurisdiction.

(i) Preparing and submitting subject to the requirements of this Charter the annual city budget for review and approval by council. The city Manager may include an explanatory comment or statement of the recommended budget. The recommended budget shall be in a form as required by council including information explaining the various items of expenditure and revenue.

(j) Participating in professional development activities, professional associations, and multi-municipal or regional organizations with approval by council.

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(k) Performing other duties as may be designated by Council by ordinance.

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Article VI AUTHORITIES, BOARDS, AND COMMISSIONS

§ 6.1 Establishment

(a) There shall be such authorities, boards, and commissions as may be established from time to time by this Charter, the Administrative Code, Council, or applicable law. Council shall encourage the participation of citizens to carry out City business through their service on its authorities, boards, and commissions. Such authorities, boards and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or shall have power and authority under City ordinance or applicable state or federal law. Prior to the creation of a new authority, board or commission, the Council shall give due consideration as to the necessity of the same and whether an existing authority, board or commission may fulfill the same purpose and intent.

(b) Council may not change the powers or authority of any authority, board or commission except by ordinance.

(c) Council may abolish by ordinance any authority under the applicable law. Council may abolish any board or commission established by this Charter, by ordinance of Council, or as permitted under applicable law.

(d) All authorities created by Council have the responsibility to provide an annual report and, as applicable, independent financial audits to Council of their finances and their programs.

§ 6.2 Membership

(a) **Appointments.** The Mayor and Council members shall recommend for appointment, subject to approval of Council by a majority vote of Council members, all members of each authority, board and commission, except as otherwise required by State or other applicable law. The Administrative Code shall provide procedures for public notice of available appointments and vacancies to encourage broad citizen participation. Said procedures shall include as a goal the representation of citizens of the City including but not limited to geographic City residency, gender, economic, racial, ethnic and other characteristics.

(b) **Term of Office.** The term of office for members of authorities, boards and commissions shall be established as provided for by this Charter, the Administrative Code, City ordinance or applicable law for the specific authority, board or

commission.

(c) Except as may otherwise be provided for in this Charter or applicable law, each member of any City board or commission shall serve until the expiration of their term and shall continue to serve until a successor is appointed.

(d) Council may only remove a member of any City authority, board, or commission for cause, including cases of malfeasance, misfeasance, or felony conviction or guilty plea in a Commonwealth of Pennsylvania or United States Court of Law. Removal requires a majority vote of Council.

§ 6.3 Vacancies

Any vacancy caused by death or resignation of a member of any City authority, board or commission shall be filled by recommendation of the Mayor and Council members for the appointment to be approved by a majority vote of Council members. The person so appointed shall serve for the unexpired term of the person vacating such position.

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Article VII BUDGET AND FINANCE

§ 7.1 Fiscal year

The fiscal year of the City shall be January 1 to December 31.

§ 7.2 Financial management and investment of funds

(a) Financial management. Council shall adopt a financial management system consistent with generally accepted accounting principles to include procedures for the collection of taxes, preparation of yearly budgets, and accounting of the sources from which money is received and the objects for which the expenditures are disbursed. Council shall authorize appropriate officials or individuals to perform duties necessary for the proper implementation of a financial management system.

(b) Investment of City money. Council shall invest City money consistent with applicable law and sound business practices. Council shall adopt ordinances providing policies for the investment of City funds and for the maintaining and use of fund balances.

§ 7.3 Independent Auditor

(a) Council shall provide, by resolution, for an annual audit of the financial statements of the City by an independent auditor. The Independent Auditor may be an individual certified as a public accountant or a firm of certified public accountants (CPA) currently licensed to practice in the Commonwealth of Pennsylvania. The audit shall be an annual audit of all statements of accounts which record the collection, receipt and disbursement of public money and shall include management, control or custody of public money. The annual audit shall also include any accounts subject to examination as directed by Council.

(b) Appointment, qualifications, responsibilities. The City Council shall engage an Independent Auditor through a request for proposals (RFP) process. The Independent Auditor shall perform an audit of the City's financial statements to express an opinion on the fair presentation of the City's basic financial statements as a whole as directed to do so by the Council; examine and audit the accounts of all officers, bureaus, departments, and component units which collect, receive and disburse public moneys, and/or who are charged with the management, control or custody thereof.

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§ 7.4 Submission of Balanced Budget and Capital Program

(a) The Manager, with the assistance of the department directors and the Council Finance Committee, shall prepare the proposed operating budget and proposed capital program annually.

(b) On or before June 30 of each year the Manager shall submit annually to Council a five (5) year capital program.

(c) On or before September 30 of each year, the Manager shall submit to the City Council a balanced operating budget for the ensuing year with the enacting ordinance and an accompanying budget message.

§ 7.5 Operating Budget Message

The operating budget shall be accompanied by a concise message from the Manager, which shall include:

(a) An explanation of all revenues and expenditures in the proposed budget, indicating and explaining major changes from the current year and the prior year.

(b) An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.

(c) A summary of the City's debt position.

(d) Such other material that will inform the Council and the public of the City's goals.

§ 7.6 Operating Budget

The budget shall provide a complete financial plan of all City funds including the general fund, other governmental, and proprietary funds for the ensuing fiscal year in accordance with generally accepted accounting principles. Except as required by this Charter, the budget shall be in such form as the Council deems desirable. The budget form shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

(a) It shall begin with a general summary of its contents.

(b) It shall show in detail on a fund-by-fund basis all estimated revenue, indicating the existing and proposed tax rates and levies, as well as other assessments, fees and charges.

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(c) It shall show, on a fund-by-fund basis, all proposed expenditures for the ensuing fiscal year, detailed by offices and departments.

(d) It shall provide that proposed revenues equal or exceed proposed expenditures for each fund. The proposed budget may include the use of unrestricted fund balances on a fund-by-fund basis, subject to a fund balance policy adopted by Council.

(e) It shall be so organized as to show on a fund-by-fund basis comparative figures for actual and estimated revenue and expenditures for the current fiscal year and actual revenue and expenditures for the preceding two (2) fiscal years.

(f) In addition to proposed revenues and expenditures for the ensuing fiscal year, it may provide on a fund-by-fund basis non-binding estimated revenues and expenditures for an additional following year, detailed by offices and departments.

§ 7.7 Council Action on Budget

(a) **Notice and hearing**. Council shall publicize the general summary of the budget in one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code. The notice shall state:

i. The times and places where copies of the budget message and budget document are available for inspection by the public.

ii. The time(s), place(s), and date(s), not less than seven (7) or more than fourteen (14) calendar days after such publication, for one or more public hearings on the budget as set forth in the Administrative Code. The public hearing(s) shall not be on the date of a regular Council meeting, shall be at times that are intended to maximize public participation and shall be conducted in the manner set forth in the Administrative Code.

iii. The procedures for a public question period and for submission of written questions by the public.

iv. The proposed budget shall be available on the first business day after introduction by Council and shall also be available electronically and at other locations as Council deems appropriate.

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(b) **Public inspection.** The proposed budget shall be available for public inspection at City Hall during normal business hours and printed copies shall be available to the public at a reasonable fee to be set by the Council in an amount that is no more than the cost to produce it.

(c) **Summary of Public Questions.** Within a reasonable time following the public hearing and no less than seven (7) days prior to the adoption of the budget, the Manager shall prepare a summary of the questions received during the public question period with relevant answers arranged by similar topic. The summary shall be publicized in a widely and readily available form and manner as set forth in the Administrative Code.

(d) **Amendment before adoption.** No earlier than seven (7) nor more than fourteen (14) calendar days after the public hearing(s), Council may adopt the proposed budget with or without amendment. In amending the proposed budget, it may add or increase programs or line-item amounts and may delete or decrease any programs or line-item amounts, except expenditures required by law or for debt service, provided that no amendment to the proposed budget shall increase the authorized expenditures to an amount greater than the total estimated revenue. The amended proposed budget shall reflect as nearly as possible the estimated revenues and expenditures of the city for the year for which the budget is prepared. Should the amended budget increase or reduce the estimated expenditures in the proposed budget by more than 10% in the aggregate over the proposed budget, the amended budget shall not be enacted with any of the increases or decreases unless the budget is publicized for public inspection for a period of at least 10 days **i**n one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code.

(e) **Adoption.** Council shall adopt a budget ordinance for the ensuing fiscal year on or before December 31.

(f) **Adoption of Related Ordinances.** Council shall adopt all budget related tax ordinances no later than December 31. Ordinances adopting the budget and related tax ordinances shall not reduce the amount, category or eligible persons of any exemption from taxation granted, or available thereof as of the effective date of this Charter.

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§ 7.8 Revised Budget

General Rule. In the year following a municipal election, the Council shall have the power to revise the budget and tax levies adopted by the previous Council.

(a) Notwithstanding any other provisions of this Article, in any year following a municipal election year, the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies previously adopted by Council pursuant to §6.8 with time periods adjusted to 45 days after the start of the fiscal year. A revised budget and related tax ordinances shall be adopted in final form no later than February 15 of the year following a municipal election.

(b) Ordinances adopting a revised budget and related tax ordinances shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance and related tax ordinances then in effect.

(c) No ordinances adopting a revised budget and related tax ordinances shall reduce the amount, category or eligible persons of any exemption from taxation granted or available thereof as of the effective date of this Charter.

§ 7.9 Amendment after Adoption

(a) **Emergency appropriations**. Emergency appropriations may be made by City Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter.

(b) **Supplemental appropriations**. If during the fiscal year the Manager determines that there are available for appropriation revenues in excess of those estimated in the adopted budget, the Council, by ordinance, may amend the adopted budget to:

i) Make supplemental appropriations for the year for any purpose authorized by this Charter, the Administrative Code or applicable law up to the amount of such excess.

ii) Allow supplemental appropriations whether or not an appropriation for that purpose was included in the original budget as adopted.

(c) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the City Council:

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i) the estimated amount of the deficit;

ii) any remedial action taken by the Manager; and

iii) recommendations to Council as to other steps to be taken.

The Council shall then take such further action as it deems necessary to prevent or reduce any deficit. For that purpose, it may, by ordinance, reduce or eliminate one or more appropriations except for debt service.

(d) **Transfer of appropriations** within the adopted budget shall be made in accordance with provisions set forth in the Administrative Code.

§ 7.10 Taxpayer Protection

(a) The Manager and Council shall make every effort to present an annual General Fund budget with the least burden on taxpayers. In the event that the total projected revenues derived from General Purpose real estate taxes and Act 511 taxes are expected to exceed one hundred five (105) percent of the revenues received from the same tax source in the preceding fiscal year, Council shall present the proposed increase for consideration at or before the first Council meeting in November.

(b) Council shall authorize the increased rates as the maximum potential tax increase in the annual budget by a majority vote of the whole plus one. In the event that subsequent expenditure cuts are made to the annual budget prior to passage, rates may be lowered by a simple majority vote.

§ 7.11. Capital Program and Budget

General Rule. Council shall adopt by ordinance a long-range capital program that contains plans and objectives to provide for the proper acquisition, repair and provision of necessary equipment and infrastructure to insure the effective and efficient delivery of public services.

(a) Subject to Section 6.5 of this Article, the Manager with the assistance of department heads and Council Finance Committee shall prepare and submit annually to Council a five (5) year capital program and related budget. Projects which will result in major additions, replacements or changes to City facilities, infrastructure, and equipment shall be included in the capital program report. Capital expenditures for equipment with a useful life of two (2) years or less shall not be included in the capital program and shall be included in the operating budget unless otherwise provided by generally accepted accounting principles.

(b) The annual capital program report shall contain:

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i. A clear general summary of its contents;

ii. A list of capital improvements which are proposed to be undertaken during the subsequent five (5) year period, with appropriate supporting information as to the necessity for such improvements;

iii. Cost estimates, method of financing and recommended schedules for each such improvement;

iv. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

v. The estimated annual amortization costs of any debt incurred, if appropriate.

§ 7.12 City Council action on capital program

(b) **Notice and hearing.** Council shall publicize the general summary of the capital budget in one or more newspapers of general circulation in the City or in other widely and readily available forms and manners as set forth in the Administrative Code with a notice stating:

i. The times and places where copies of the capital program message and capital program document are available for inspection by the public.

ii. The time, place, and date, not less than seven (7) or more than fourteen (14) calendar days after such notice, for a public hearing(s) on the capital program.

iii. The procedures for a public question period and for submission of written questions by the public.

iv. The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council at an amount that is not more than the cost to produce it.

(c) No earlier than seven (7) days after the public hearing and no less than seven (7) days prior to the adoption of the capital budget, the Manager shall prepare a summary of the questions received during the public question period with relevant answers arranged by similar topic. The summary shall be publicized in a widely and readily available forms and manners as set forth in the Administrative Code.

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(d) **Amendment before adoption.** After the public hearing(s), Council may adopt the Capital Program with or without amendment. In amending the Capital Program, it may add or increase projects and may delete or decrease any projects by majority vote.

(e) **Adoption**. Council shall adopt an annual capital program and budget no later than August 31 of the fiscal year currently ending.

§ 7.13 Budget and Capital Program Administration

General Rule. The Manager shall be responsible for and shall supervise the administration of the annual operating and capital budgets.

(a) Monthly operating budget reports. The Manager shall prepare and submit to Council at a public meeting within sixty (60) days following the end of the reporting month:

i. The City's current cash position including accounts receivable and payable;

ii. a financial statement of revenues and expenditures by department, bureau and line item, organized in a fashion corresponding to the form of the budget ordinance, showing the amount budgeted, cumulative amount collected or expended, the percent of the total line item collected or expended to date by the end of each month.

(b) **Semi-annual operating budget review**. No later than July 31 of the current fiscal year, at a time and place to be set by the Council, the Manager and such department heads as may be necessary shall appear before the Council at a duly advertised public meeting, where the Council shall review programs, revenues and expenditures for the respective departments and bureaus and shall review the financial budget performance thereof with a view toward improving services and reducing costs.

(c) **Capital Project Reporting**.

i. Current Projects. All capital projects in process shall be reported to Council by the Manager on a quarterly basis with an update on cost, completion date, and estimated revised operating costs.

ii. Post Capital Project Completion Report. Following completion of any capital project, a complete and detailed report shall be completed and publicized in widely and readily available forms and manners as set forth in the Administrative Code to be made available to the public. The intent of the post project report is to confirm the estimates of financing and

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project costs and explain any material deviation between actual and estimated financing and project costs.

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Article VIII ORDINANCES AND RESOLUTIONS

§ 8.1 General Rule

Council shall have the authority to enact ordinances as are necessary to carry out the requirements of the duties of Council, this Charter and applicable law. Council may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances. The Mayor shall have no right of veto of ordinances.

§ 8.2 Acts by Ordinance

Every legislative act of Council shall be by ordinance and shall be signed by the Mayor and attested by the City Clerk. The legislative acts shall include but are not limited to:

(a) Adoption of budgets and other appropriations required by this Charter and applicable law and the related tax ordinances.
(b) Authorization of the borrowing or lending of money.
(c) Establishment or abolishment of any City department.
(d) Establishment or abolishment of any City authority, board or commission.
(e) All matters for referendum as required by this Charter.
(f) All actions that:
    i. Exercise the police power of the city.
    ii. Establish, if not otherwise governed by the Administrative Code, procedures for the disposition, acquisition and leasing of real property.
    iii. Regulate land use, zoning, development and subdivision.
    iv. Impose building, plumbing, electrical, property maintenance, housing and similar standards.
    v. Otherwise regulate the conduct of persons within the city.
(g) Impose fines and penalties for the violation of ordinances.
(h) Adoption of ordinances proposed under the petition power as set forth in this Charter.
~~(i)~~ Adoption or amendment of an Administrative Code.

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§ 8.3 Adoption of Ordinances, Recording, Actions other than ordinance

(a) Proposed ordinances may be introduced by motion of a Council member and be adopted by a majority of council members participating at a public meeting.
(b) All Ordinances shall be recorded by the City Clerk in the ordinance book of the City. The Administrative Code shall provide a provision requiring the maintenance of the ordinances of the City within an ordinance book or codification arrangement.
(c) Nothing in this Section is intended to preclude Council from taking appropriate actions by resolution or motion not otherwise required to be in ordinance form.

§ 8.4 Resolutions

General Rule. Council may adopt resolutions for subjects not required to be in ordinance form but shall not approve a resolution in the place of an ordinance when an ordinance is required by this Charter or applicable law.

(a) Resolutions may be adopted for subjects that include, but are not limited to, the following:
    i. Ceremonial or congratulatory expressions of the goodwill of council.
    ii. Statements of public policy.
    iii. Approval of administrative rules and regulations not otherwise required to be by ordinance, and/or required or arising under Commonwealth or Federal statutes or City ordinances.

§ 8.5 Proposed Ordinances and Titles

(a) All proposed ordinances shall be presented to Council in written form and contain only one subject, which shall be reasonably identified in the title. The title shall identify the contents of the ordinance. The title of an ordinance shall not be considered in the construction or interpretation of the ordinance by a court of competent jurisdiction.
(b) Ordinances regarding budgets and appropriations as required by this Charter or applicable law may contain multiple subjects.

§ 8.6 Reading of Proposed Ordinances and Final Enactment

(a) The title of every proposed ordinance shall be read at two (2) separate public meetings of Council, once when introduced and again before final enactment by Council.
(b) Amendments or other changes to the proposed ordinance shall be read in their entirety.
(c) After the first public reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council member and shall file and make available a reasonable

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number of copies for public inspection via the City website and in the office of the City Clerk during regular office hours.

(d) An ordinance may not be finally enacted by Council the same day it is introduced.

(e) A minimum of seven (7) days must intervene between the first reading and the second reading and affirmative vote of an ordinance unless applicable law or this Charter allows for a shorter time period.

(f) Notwithstanding the provisions of Section 2.7 in the case of exigent circumstances or the Mayor's declaration of a public emergency, Council may, by affirmative vote of a majority plus one of the members present at a public meeting, reduce or eliminate the period between introduction and passage of an ordinance necessary or intended to address the exigent circumstances or emergency.

§ 8.7 Publication of Proposed Ordinances

(a) Public notice of a proposed ordinance shall be publicized in a newspaper of general circulation, on the City website, and by other widely available means for no fewer than seven (7) days or more than 60 days prior to enactment, except as otherwise provided in this Article.

(b) Except as otherwise required by this Charter or applicable law, the public notice of a proposed ordinance shall include the title and a summary of the ordinance in reasonable detail and a reference to a place within the City where copies of the full text of the proposed ordinance may be examined. The title may serve as the summary if it provides reasonable detail to identify the contents and nature of the ordinance.

(c) In the event substantive amendments are made in the proposed ordinance, after the publication of such public notice, before voting upon enactment Council shall republicize, in one newspaper of general circulation, on the City website, and by other widely and available means, a brief summary setting forth all provisions and amendments in reasonable detail. Council shall not take action on the amended ordinance prior to seven (7) days following the public notice.

§ 8.8 Voting to Enact Ordinances or to Adopt Resolutions

(a) Except as otherwise required by this Charter, an ordinance shall be enacted, and a resolution shall be adopted by an affirmative vote of a majority of council members of Council present or participating via a telecommunication device.

(b) Members of Council present or participating via a telecommunication device shall vote on each question before Council, except:

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i. As may be required by the provisions of this Charter or any public official ethics law of the Commonwealth which may be applicable to members of Council.
ii. As may be excused for cause by a simple majority vote of the members of Council present at a Council meeting. The cause shall be recorded in the meeting minutes by the City Clerk.

(c) An ordinance may not be altered or amended upon enactment by council so as to change the original purpose. Substantive amendments to the original stated purpose shall be by introduction of a new ordinance.

§ 8.9 Emergency Ordinance

(a) In the instance of a mayoral declared emergency, an emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property.
(b) An emergency ordinance shall be introduced in the form and manner prescribed for an ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Council may by a majority vote of members participating at a public meeting waive any required readings or publication requirements for the initial adoption of an emergency ordinance upon consideration of the exigency of the circumstances.
(c) Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists. Reenactment of an emergency ordinance shall follow the form and manner for introduction, public notice, and adoption of emergency ordinances as prescribed under this Article.

§ 8.10 Effective Date of Legislation

(a) Every adopted ordinance, except for the annual budgets and related budget ordinances and except for emergency legislation, shall become effective at the expiration of thirty (30) days after passage by Council, or at a date specified within the ordinance but not less than the period provided for citizen reconsideration of ordinances under Article VIII Section 8.8 (b) of this Charter.

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Article IX CITIZEN PETITION AND REFERENDUM

§ 9.1 General Rule

(a) **Ordinance Consideration and Referendum**. The electors of the City shall have the right to petition City Council for consideration of a proposed ordinance. If Council does not adopt the proposed ordinance, electors of the City shall have the ability to adopt the proposed ordinance through referendum at a primary, municipal or general election. A proposed ordinance may be brought to Council through ordinance petition only once in a 12-month period commencing upon final action of Council.

(b) **Ordinance Reconsideration and Referendum.** The electors of the City shall have the right to petition City Council to require reconsideration of any adopted ordinance. If Council fails to repeal an ordinance upon reconsideration, the voters of the City shall have the ability to repeal the ordinance at a primary, municipal or general election.

(c) **Citizen's Petition to Call Special Meetings of Council or Agenda Items**. The electors of the City shall have the right to call a special meeting of City Council or to request an agenda item for consideration at a special public Council meeting.

§ 9.2 Ordinances that Require Referendum Approval of Electorate

The following proposed ordinances shall be required to be placed on the ballot as a referendum of the electors for their approval or disapproval at the next primary, municipal or general election held at least ninety (90) calendar days after introduction of the proposed ordinance.

(a) Any proposed ordinance authorizing the City to:
   i. Terminate, disband, or eliminate funding for the Department of Police.
   ii. Eliminate the Department of Administration or any department required by this Charter.

§ 9.3 Limitations on Petition and Referendum

(a) Petition and referendum powers shall not extend to:
   i. proposed ordinances to repeal, amend or modify an ordinance which took effect after having been subject to the provisions of the referendum for reconsideration of the ordinance.
   ii. the adoption or amendment of the budget ordinances for the General Fund, capital, or other funds and the tax levies and fees contained therein;
   iii. any ordinance providing for an election to increase indebtedness;
   iv. the long range operational, fiscal, and capital plan;
   v. the Administrative Code;

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vi. the Personnel Code;
vii. annual tax levy ordinances;
viii. any ordinance fixing the salaries of elective City officials or City employees;
ix. ordinances for the preservation of the public peace, health, morals, safety, and in the exercise of the police powers of the city government, and for the prevention and abatement of nuisances.
x. authorizing emergency loans;
xi. ordinances relating to zoning and land use regulations;
xii. ordinances exercising the power of eminent domain;
xiii. any ordinance related to or adopted in response to an existing declaration of emergency;
xiv. any ordinance for the opening, paving, grading or other improvement of streets or highways, when the improvement is petitioned for by a majority in number or interest of the abutting property owners;
xv. ordinances for the construction of sewers and for the purpose of keeping the streets, highways and sidewalks in good order and repair and in a safe and passable condition;
xvi. any ordinance for which the procedures for adoption or amendment may be established by applicable law and any other ordinance which by law must be submitted to an election before it shall take effect.

(b) The Council shall take no action to repeal or substantively change an ordinance adopted or repealed by referendum for a period of two years from the date of the election at which the ordinance was approved or repealed.

(c) Any proposed ordinance or reconsidered ordinance which is rejected by the qualified voters in an election cannot be resubmitted for petition and referendum for a period of two years from the date of the election where the ordinance was defeated.

(d) No more than two ordinances by certified petition and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two ordinances by petition and the first two referendum measures which are determined sufficient shall be placed on the ballot measured by the date of final approval of the petition.

§ 9.4 Initiating Ordinances by Electors

(a) A proposed ordinance may be submitted to City Council by a petition signed by the electors of the City, as hereinafter provided, except:

i. Proposed ordinances relating to any matter, subject to the limitations on a referendum vote as provided in Section 9.2 of this article; or

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ii. Proposed ordinances to repeal, amend, or modify any ordinance which has been subject to the limitation provisions of a referendum as provided in Section 9.2 of this article.

(b) A request to the City Clerk for the preparation of a petition for the submission of a proposed ordinance to Council shall be made by written request of five (5) qualified electors of the City. The five qualified electors shall constitute the Petitioners Committee. The request shall be accompanied by a copy of the proposed ordinance. The City Clerk shall, within ten (10) business days after receiving the request, do each of the following:

i. Prepare the requested petition.

ii. Publicize a notice at least one time in one or more newspapers of general circulation in the City, on the city web site, and in other widely and readily available forms and manners as set forth in the Administrative Code that provides, at a minimum, the purpose for which the petition is made, the date on which the request for the petition was received, and that the petition will be ready for circulation and signing at the expiration of ten (10) business days from that date.

(c) The Petitioners Committee shall be responsible for:

i. Circulating the petition for consideration of an ordinance;

ii. Filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent;

iii. Setting out, in full, the proposed ordinance.

(d) Upon the expiration of the ten (10) business days, the City Clerk will provide the requested petition to the Petitioners Committee for circulation.

§ 9.5 Requirements for Petitions Initiating Ordinances by Electors.

(a) **Number of signatures.** Petitions to initiate an ordinance must be signed by City electors comprising seventy-five (75) or five (5) per centum, whichever is greater, of the number of City electors voting for governor at the last preceding general election at which a governor was elected.

(b) **Form and content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature line shall be executed in ink or indelible pencil and shall include the printed name, signature and address of the person signing and the date signed. Petitions shall contain or have attached, throughout their circulation, the full text of the proposed ordinance.

(c) **Affidavit of circulator.** Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the

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signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

(d) **Time for circulation and filing petitions.** Petitions must be circulated, signed and filed within forty-five (45) calendar days after the issuance of petition blanks by the City Clerk under Section 9.4 of this Charter.

§ 9.6 Procedure after Filing of Petition Initiating Ordinances by Electors

(a) Determination of Sufficiency, Amending, and Review. Within 20 business days after the petition to initiate an ordinance is filed, and following review and a determination of its sufficiency, the City Clerk shall complete a certificate as to its sufficiency and promptly send a copy of such certificate to the Petitioners' Committee by registered mail and to City Council.

(b) If the petition is determined to be insufficient, the particulars specifying what is defective shall promptly be sent, with a copy of the certificate of insufficiency, to the Petitioners' Committee by registered mail.

i. A petition certified insufficient for lack of the required number of valid signatures may be amended one time by the Petitioner’s Committee. In order to do so, the Petitioners' Committee must file an amended petition complying with the requirements of Section 9.5 within ten (10) business days after receiving the copy of certificate of insufficiency.

ii. Within five (5) business days after the amended petition is filed, the City Clerk shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

iii. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to request Council review under Subsection (b) of this Section within the time required, the City Clerk shall promptly present the certificate of insufficiency to the Council.

(c) **Council Review.** If a petition to initiate an ordinance has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Petitioners’ Committee may, within five (5) business days after receiving the copy of such certificate, file a request with the City Clerk that the certificate of the petition or amended petition be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

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(d) **Court review.** A final determination as to the insufficiency of a petition or amended petition to initiate an ordinance shall be subject to Court of Common Pleas of Allegheny County review upon filing of a petition by the Petitioner's Committee with the same. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(e) **Action by Council.** When a petition to initiate an ordinance has been finally determined to be sufficient, Council shall promptly consider the proposed ordinance in the manner provided in Article VII, Ordinance & Resolutions, of this Charter. If the Council fails to adopt a proposed ordinance without any change in substance within 60 calendar days of the certificate of sufficiency, the proposed ordinance shall be submitted for consideration to the voters of the City.

(f) **Submission to voters.** If the petition to initiate an ordinance is deemed sufficient and following the Council's lack of action thereon, the question shall be placed on the ballot at the next primary, municipal or general election occurring at least ninety (90) calendar days after the expiration of Council's time to act or judicial approval of the petition. Copies of the proposed ordinance shall be publicized in one or more newspapers of general circulation in the City, on the City web site, and in other widely and readily available forms as defined in the Administrative Code and made available to the public during regular business hours at City Hall.

(g) **Withdrawal of petitions.** A petition to initiate an ordinance may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect, and all proceedings thereon shall be terminated.

§ 9.7 Results of Election Initiating Ordinances by Electors

If a majority of the qualified voters of the City vote in favor of a proposed ordinance, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

§ 9.8 Reconsidering Ordinances by Electors

(a) With the exception of ordinances dealing with the subjects set forth in § 9.3 and ordinances adopted prior to the effective date of this Charter, citizens will have the right to petition the repeal of an ordinance through action by Council or to repeal an ordinance through referendum. An ordinance may not be subject to more than one certified petition for reconsideration.

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i. **Ordinance presently in effect and operation.** The procedures for requesting the preparation and filing of a petition under this article shall not cause the suspension of an ordinance presently in effect and operation. Said ordinance shall remain in effect and in force for the duration of the process of reconsideration; or until repealed by action of Council; or by referendum result.

ii. **Newly adopted Ordinances.** The initiation of procedures for preparation and filing of the petition under this article shall cause a stay of the effect and operation of the newly adopted ordinance for the duration of the process of reconsideration unless the petition fails to receive a certificate of sufficiency under § 9.6; or until repealed by action of Council; or by referendum result; or by withdrawal of the petition.

(b) A request for preparation of a petition under provisions of this section must be made within twenty (20) business days following the adoption of an ordinance. If an ordinance is effective in less than twenty (20) business days due to operation of applicable law, a request for preparation of a petition filed within the period provided by applicable law shall cause said ordinance to be stayed in effect and operation.

(c) A request to the City Clerk for the preparation of a petition for the reconsideration of an adopted ordinance to City Council shall be made by written request of five qualified electors of the City. The request shall be accompanied by a copy of the ordinance to be reconsidered. The City Clerk shall, within ten (10) business days after receiving the request, do each of the following:

i. Prepare the requested petition.

ii. Publicize a notice at least one time in one or more newspapers of general circulation in the City, on the City web site, and in other widely and readily available forms and manners as set forth in the Administrative Code that provides, at a minimum, the purpose for which the petition is made, the date on which the request for the petition was received, and that the petition will be ready for circulation and signing at the expiration of ten (10) business days from that date.

(d) The five qualified electors shall constitute the Petitioners Committee and be responsible for circulating the petition for reconsideration of an adopted ordinance and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed ordinance. Upon the expiration of the ten (10) business days, the City Clerk will provide the requested petition to the Petitioners Committee for

circulation.

§ 9.9 Requirements for Petitions Reconsidering Ordinances by Electors

(a) **Number of signatures.** Petitions for the reconsideration of an ordinance by electors must be signed by City electors seventy-five (75) or five (5) per centum, whichever is greater, of the number of City electors voting for governor at the last preceding general election at which a governor was elected.

(b) **Form and content.** All papers of a petition for the reconsideration of an ordinance by electors shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature line shall be executed in ink or indelible pencil and shall include the printed name, signature and address of the person signing and the date signed. Petitions shall contain or have attached, throughout their circulation, the full text of the ordinance to be reconsidered.

(c) **Affidavit of circulator.** Each paper of a petition for the reconsideration of an ordinance by electors shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance to be reconsidered.

(d) **Time for circulation and filing petitions**. Petitions must be circulated, signed and filed within 45 calendar days after the issuance of petition blanks by the City Clerk under § 9.5 of this Charter.

§ 9.10 Procedure after Filing of Petition for Reconsidering Ordinances by Electors.

(a) Within 20 business days after the petition for the reconsidering of an ordinance by electors is filed, and following review and a determination of its sufficiency, the City Clerk shall complete a certificate as to its sufficiency and send a copy of the certification to the Petitioner's Committee by registered mail and to City Council.

(b) If the petition is determined to be insufficient, the particulars specifying what is defective shall promptly be sent, with a copy of the certificate of insufficiency, to the Petitioners' Committee by registered mail. A petition for the reconsideration of an ordinance by electors that is certified insufficient for lack of the required number of valid signatures may be amended one time by the Petitioner's Committee.

i. In order to amend, the Petitioners' Committee must file an amended petition complying with the requirements of Section 9.8 within ten (10) business days after receiving the copy of certificate of insufficiency.

ii. Within five (5) business days after the amended petition for the reconsideration of an ordinance by electors is filed, the City Clerk shall

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complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

iii. If a petition or amended petition for the reconsideration of an ordinance by electors is certified insufficient and the Petitioners' Committee does not elect to request Council review under Subsection (b) of this section within the time required, the City Clerk shall promptly present the certificate of insufficiency to the Council.

(c) **Council Review.** If a petition for the reconsideration of an ordinance by electors has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Petitioners' Committee may, within five (5) business days after receiving the copy of such certificate, file a request with the City Clerk that the certificate of the petition or amended petition be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(d) **Court review.** A final determination as to the insufficiency of a petition or amended petition shall be subject to Court of Common Pleas of Allegheny County review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(e) **Action by Council.** When a petition for the reconsideration of an ordinance has been finally determined to be sufficient, Council shall promptly consider the ordinance to be reconsidered in the manner provided in Article VII, Ordinances & Resolutions. If the Council fails to reconsider the ordinance without any change in substance within 60 calendar days of the certificate of sufficiency, the ordinance to be reconsidered shall be submitted for consideration to the voters of the City.

(f) **Submission to voters.** If the petition for the reconsideration of an ordinance by electors is deemed sufficient and following the Council's lack of action thereon, the question shall be placed on the ballot at the next primary, municipal or general election occurring at least 90 calendar days after the expiration of Council's time to act or judicial approval of the petition. Copies of the ordinance to be reconsidered shall be publicized at least one time in one or more newspapers of general circulation in the City, on the City web site, and in other widely and readily available forms as defined in the Administrative Code and made available to the public during regular business hours at City Hall.

(g) **Withdrawal of petitions.** A petition for the reconsideration of an ordinance by electors may be withdrawn at any time prior to the 45th day preceding the day

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scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect, and all proceedings thereon shall be terminated.

§ 9.11 Results of Election for Reconsidering Ordinances by Electors

If a majority of the qualified voters of the City vote in favor of repealing the ordinance to be reconsidered, it shall be considered repealed upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind repealed by Council.

§ 9.12 Petition to Call a Special Meeting of City Council

If, after having addressed council at a previous meeting, the electors of the City shall have the ability to mandate City Council consider an agenda item via a special meeting or placing an agenda item on a meeting agenda.

(a) The electors of the City, upon filing a signed petition with the City Clerk, may require the City Council to:
   i. Hold a special meeting to address one agenda item comprised of a single topic at a special public meeting of Council and limited to once per calendar year per item;
   ii. Require the placing of an agenda item at a specified public meeting of Council comprised of a single topic at a specified public meeting of Council and limited to once per calendar year. Said agenda item must be the first item considered by Council at the specified meeting.

(b) The petition filed with the City Clerk must contain:
   i. the printed name, signature and address of registered electors of the City signing the petition;
   ii. in the case of a special meeting, the petition must include signatures of seventy-five (75) or five (5) per centum, whichever is greater, of the number of City electors voting for governor at the last preceding general election at which a governor was elected,
   iii. in the case of placing an agenda item at a specified public meeting, the petition must include signatures of twenty (20) City electors,
   iv. the purpose for which the meeting is being called.

(c) The City Clerk shall within five (5) business days of receipt of the petition review and if found to be complete certify the petition as being complete. The City Clerk shall then notify the President of City Council of the certified petition.

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(d) The President of City Council shall then either convene the special meeting on the agenda item to begin after 6:00 PM on a weekday evening within ten (10) business days of the certification or place the agenda item on the Council agenda for the next public meeting held after the petition's certification.

(e) The public notification process of the special meeting of Council shall be as specified by this Charter, the Administrative Code and applicable law.

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Article X ADMINISTRATIVE CODE

§ 10.1 Administrative Code

(d) The City Manager shall propose and submit to City Council an Administrative Code for the City government consistent with the provisions and purpose of this Charter.

(d) No later than fifteen (15) months after the effective date of this charter the City Manager shall present a draft Administrative Code for the consideration of Council.

(d) Council shall adopt the Administrative Code by ordinance, with or without amendments, no later than eighteen (18) months after the effective date of this Charter.

(d) Council may amend the Administrative Code only by the ordinance adoption procedures in Article VII of this Charter.

§ 10.2 Contents

(a) The Administrative Code shall set forth a plan for the organization, administrative structure, procedures, and operations of the City government. The Administrative Code shall include, but shall not be limited to, the following:

i. An enumeration of the departments, offices, authorities, boards, commissions, and other administrative units of the City government, their scope of responsibility, and the internal procedures for their operations;

ii. Budgeting, accounting and other financial procedures;

iii. Purchasing and acquisition procedures;

iv. Policies and procedures governing personnel policies, position descriptions, employee recruitment, selection, orientation, training, benefits, promotion, discipline and discharge; and

v. Any other policies, practices, and procedures desirable for the efficient and effective administration of City government.

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Article XI TRANSITION

§ 11.1 Purpose of Article

The purpose of this Article is to establish an orderly procedure for the transition to the new form of government provided by this Charter. The provisions of this Article address the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this Article shall constitute temporary exceptions.

§ 11.2 Effective Date

This Charter shall be submitted to the voters at the general election of 2026, and if adopted, shall take effect on January 1, 2027. However, to the extent necessary to comply with the other provisions of this Article governing the period between the date of adoption and the effective date of this Charter, this Charter shall be implemented upon the date of certification of the results of the general election of 2026.

§ 11.3 Current Elected Office Holders

Except as otherwise provided in this Charter, all elected City officeholders in office on the date this Charter becomes effective shall continue in office for the remainder of the term for which they were elected. If any of these officeholders shall vacate their office for any reason after the Effective Date of this Charter and prior to the expiration of their term, the vacancy shall be filled in the manner provided for by this Charter.

§ 11.4 Initial Elections

(d) **Elections of 2027.** The following elected officials shall be nominated at the primary election in May 2027 and shall be elected at the municipal election in November 2027 for the following terms:

i. Two (2) seats on City Council, for a term of four (4) years.

(d) **Elections of 2029.** The following elected officials shall be nominated at the primary election in May 2029, and shall be elected at the municipal election in November 2029 for the following term:

i. One Mayor, for a term of four (4) years;

ii. Two (2) seats on City Council elected for a term of four (4) years,

iii. Treasurer, for a term of four (4) years..

(d) **Vacancy.** If any of the elected offices becomes vacant between the time this Charter is effective and January 1, 2030, such vacancy shall be filled as provided for in this Charter.

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(d) **Required Orientation for Elected Officials.** Every elected City official, upon certification of their election to their initial full term of office, shall be required to satisfactorily complete a course of basic orientation on Home Rule Law, the Charter, the Administrative Code, and the Commonwealth Ethics Act. Such course may be directed and administered by the City Solicitor, with assistance from the Pennsylvania DCED, the Bar Association, the State Ethics Commission, and any other resources the Solicitor deems appropriate. City Council shall provide sufficient funds to ensure thorough and professional orientation. Any elected official who, in the determination of the City Solicitor, completes this course within four months of the certification of their election to their initial full term will receive a completion stipend in an amount determined from time to time by Council.

§ 11.5 Elective Office of Controller Abolished.

The elective office of City Controller is abolished as of the effective date of this Charter.

§ 11.6 Continuation of Authorities, Boards and Commissions

All authorities, boards and commissions established for or under the authority of the City before the effective date of this Charter shall continue to exist and operate unless abolished by ordinance of City Council. Members of the authorities, boards and commissions existing on the effective date of this Charter shall remain in office for their respective terms or until the status of their respective authority, board or commission shall be altered by City Council. Vacancies in the membership of such authorities, boards and commissions after the effective date of this Charter shall be filled in accordance with this Charter.

§ 11.7 Specific Transfer of Functions

The duties, functions and powers assigned by law and not inconsistent with this Charter are hereby transferred to City Council in accordance with this Charter. All departments, offices and agencies as of the effective date of this Charter shall continue until abolished or modified.

§ 11.8 Personnel

(a) **Charter Effect on Current and Former Employees.** Nothing in this Charter, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary; tenure; residency; health care insurance, retirement or pension benefits; employment or collective bargaining agreements; leave with pay; or other personal rights. Nothing in this Charter shall

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diminish the rights and privileges of any former employees in their pension or retirement benefits.

(b) **Exemption from Competitive Tests.** Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel rules of the City.

§ 11.9 Legal Continuity

(a) City laws. All City ordinances, resolutions, collective bargaining agreements, rules and regulations which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

(b) Legal actions. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue in force except as modified pursuant to the provisions of this Charter.

(c) Property, Facilities, Records and Equipment. All property, facilities, records and equipment of the City existing on the effective date of this Charter shall remain the property, records and equipment of the City of Duquesne.

(d) Until the adoption of an Administrative Code by City Council, the City shall operate under the provisions of the Third Class City Code, as applicable, to the extent not inconsistent with this Charter. In the event of a conflict between the terms of the Third Class City Code law and this Charter, the Charter provisions shall control.

§ 11.10 Temporary Ordinances.

(a) In order to effect the transition of government under this Charter, Council shall have the power to enact temporary ordinances. A temporary ordinance may be introduced and passed at any regular meeting of City Council during the three-month period following the effective date of this Charter. It shall become effective immediately after passage and shall automatically stand repealed at the end of eighteen (18) months after the effective date of this Charter.

(b) A temporary ordinance shall not be renewed or otherwise continued except as in the manner prescribed by this Charter for the regular consideration and adoption of ordinances.

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§ 11.11 Mandatory Adoption of Certain Acts

(a) Within eighteen (18) months of the effective date of this Charter, the City Council shall adopt and enact the Administrative Code and any other ordinances, rules, and regulations required by this Charter or deemed by the Transition Committee to be appropriate.

(b) Until such time as the Council adopts an Administrative Code, the City shall operate under the provisions of the Third Class City Code law, as applicable, to the extent not inconsistent with this Charter. In the event of a conflict between the terms of the Third Class City Code law and this Charter, the Charter provisions shall control.

§ 11.12 Transition Committee

(a) **Establishment.** Following the certification of the ballot approving the Charter and before January 1, 2027, a Transition Committee shall hereby be established, consisting of five (5) City electors to facilitate the transition from the existing form of government to the form of government established by this Charter.

(b) **Membership**. The Transition Committee shall include:

i. The Mayor's designee who is not the Mayor.

ii. One (1) Member of current City Council appointed by a majority vote of the Council and who is not the Mayor.

iii. Three (3) Members of the Duquesne City Government Study Commission to be selected by the Chairperson of the Commission following the certification of the election approving the Charter.

(c) **Power and Duties.** The Transition Committee shall have the following powers and duties while monitoring the progress of Council or its designees toward drafting necessary ordinances, rules and regulations, including the Administrative Code, in order that they may be effected as soon as practical after the effective date of this Charter.

i. **Meetings.** The Transition Committee shall schedule regular public meetings to inform citizens of the progress of the transition.

1. Beginning in February 2026 and continuing every other month until final adoption, City Council or its designees shall be required to report at a regularly scheduled meeting of the Transition Committee regarding the progress of Council or its designees toward drafting necessary ordinances, rules and regulations, including the Administrative Code.

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ii. **Independent Counsel.** The Transition Committee shall have the power to appoint independent counsel as necessary to accomplish its duties. The City shall be responsible for any expenses incurred by the Committee.

iii. **Vacancies**. Any vacancy on the Transition Committee shall be filled by a majority vote of the remaining Members of the Transition Committee. In the event of a Study Commission member vacancy, the vacancy shall be filled by a former member of the Study Commission.

iv. **Compensation.** The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.

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