

# **CITY OF EASTON**

## **HOME RULE CHARTER**

### **PREAMBLE**

We, the citizens of the City of Easton, requiring of our government, honesty, efficiency, and accountability, believe local self-government is the most effective way to secure these goals. Acting under the constitution and laws of the Commonwealth of Pennsylvania, the electorate of the City of Easton does hereby adopt this Home Rule Charter, which provides for a Mayor-In-Council form of government that builds a system of professionalized, efficient and fiscally sound management. Further, this Charter encourages local and regional government cooperation; builds procedures to ensure government responsiveness to the citizens; and, by virtue of securing the benefits of home rule, answers to the unique circumstances of our City's economy, geography, cultural, social and political heritage.

## **ARTICLE I, Powers of the City**

### **§ C-1.01 Powers of the City.**

The City shall have all powers possible for a home rule municipality under the Constitution and laws of the Commonwealth of Pennsylvania as fully and completely as though they were specifically enumerated in this Charter.

### **§ C-1.02 Construction.**

The powers of the City under this Charter shall be construed liberally in favor of the City. 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-1.03 Intergovernmental Relations.**

The City may participate by contract or otherwise with any governmental entity of this state or any other state or states of the United States in the performance of any activity which the City of Easton and one or more of such other entities has the authority to undertake.

## **ARTICLE II, City Council**

### **§ C-2.01 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.

### **§ C-2.02 Eligibility, Terms of Office, and Composition.**

#### **A. Eligibility.**

Only those who are and have been for at least one (1) year registered voters of the City shall be eligible to hold the office of Council Member or Mayor. The Mayor and all other Council Members must retain residence in the City during their terms of office. If during a term of office a Council Member moves out of the City, he or she forfeits that position on City Council.

All Council Members elected by District must retain residence in the District from which they are elected during their terms of office. If during a term of office a Council Member elected by District moves from that District, he or she forfeits that District position on City Council.

B. Terms of Office.

The term of office of elected officials shall be four (4) years, elected in accordance with Article VI.

C. Composition.

The Council shall be composed of seven (7) members: the Mayor and three (3) members elected by the voters of the City at large and one (1) member from each of three (3) Council Districts elected by the voters of those Districts, as provided in Article VI.

The Mayor shall devote full-time efforts to the performance of the duties of the position as established by this Charter. Other Council Members are expected to devote part time to the performance of their duties.

**§ C-2.03 The Mayor.**

A. Powers and Duties. The Mayor shall be a voting member of the City Council and shall:

- (1) Attend and preside at meetings of the Council;
- (2) Represent the City in intergovernmental relationships;
- (3) Appoint, with the advice and consent of the Council, the members of citizen advisory boards and commissions;
- (4) Publicly present an annual "State of the City and Its Government" message;
- (5) Appoint the members and officers of Council committees;
- (6) Assign, subject to the consent of Council, agenda items to committees; and
- (7) Perform other duties specified by the Council.

B. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law as stipulated in Article III. The Mayor shall also be the Chief Executive Officer of the City. The Council shall select a Vice Mayor from among its members to perform the presiding officer duties listed above in the absence or disability of the Mayor.

**§ C-2.04 Compensation.**

Council shall establish, by ordinance, the compensation of the Mayor, other Council Members, and the Controller, but such ordinances will not take effect until the date of the commencement of the terms of Council Members elected at the next regular municipal

election, provided that such election follows the adoption of such ordinance by at least six (6) months. The Mayor shall be entitled only to the compensation set for the office of Mayor for all of the duties performed by the Mayor.

**§ C-2.05 Prohibitions.**

- A. No Council Member shall hold any other compensated elected or appointive City office or City employment.
- B. No Council Member shall serve as a compensated elected official in the Commonwealth of Pennsylvania or any political subdivision thereof.
- C. No former Council Member shall hold any compensated appointive City office or City employment until one (1) year after his or her resignation or one (1) year after the expiration of the term for which the member was elected or appointed to the Council.
- D. Except for the purpose of inquiries to obtain information needed by them in the discharge of their duties, including response to constituent requests and investigations under § C-2.09, the Council or its members shall deal with City officers, directors, and employees who are subject to the direction of the City Administrator through the Mayor or City Administrator.
- E. Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any City administrative officers or employees whom the Mayor or City Administrator are empowered to appoint except as otherwise provided in this Charter.
- F. No Council Member shall serve as an employee of any municipal authority which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the member was elected or appointed to Council.
- G. Any Council Member who has a financial interest, direct or indirect, or by reason of ownership of stock, in any corporation in any sale of land with the City or in any contract with the City shall immediately make publicly known their interest and shall refrain from voting upon or otherwise participating in the sale of such land or making of such contract. A statement of such interest shall be filed with the City Clerk. Any Council Member who willfully conceals such interests shall be guilty of malfeasance in office. Violation of this section, with the knowledge expressed or implied of the person or corporation contracting with or making sale to the City, shall render the contract or sale voidable by the City.

**§ C-2.06 Vacancies; Forfeiture of Office; Filling of Vacancies.**

- A. Vacancies.

The office of Mayor or another Council Member shall become vacant upon death of the elected official, resignation, and removal from office in any manner authorized by law or forfeiture of office.

B. Forfeiture of Office.

The Mayor and any other member of Council shall forfeit office if the elected official:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
- (2) Violates any express prohibition of this Charter; or
- (3) Is convicted 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 is convicted of any comparable crime under the laws of any other state in the United States.

In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council in accordance with administrative procedures established by § C-2.07 of this Charter.

C. Filling of Vacancies.

A vacancy in the office of Mayor or another member of Council shall be filled by a majority vote of the remaining members of Council. If the Council fails to act within thirty (30) days following the occurrence of the vacancy, the Court of Common Pleas of Northampton County shall, upon petition of three (3) members of Council or ten (10) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. In the case of a vacated District seat, the person appointed to fill that seat must be a resident of the District. The individual appointed will remain in the office until the first business day of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a full term. § C-2.07 Judge of the Election and Qualifications.

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.

**§ C-2.08 City Clerk.**

City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk 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; be or become a notary public; serve as Secretary to the Council; and perform such other duties as are assigned by the Administrative Code, the Council or state law.

**§ C-2.09 Investigations.**

- A. Council shall have the power, by ordinance, to make or cause to be made investigations, audits or studies of the City and the conduct of any City department, office, or agency, and for this purpose may retain professional and technical assistance, subpoena witnesses, administer oaths, take testimony, require the production of evidence and provide funds for such investigation, audit or study.
- B. The subject of such audit, investigation, or study shall be specifically stated in the authorizing ordinance.
- C. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by a fine and/or imprisonment as determined by an ordinance.

**§ C-2.10 Independent Annual Audit.**

The City Council shall provide for an independent annual audit of all City government accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with § C-5.11.

**§ C-2.11 Procedures.**

- A. The Council shall determine its own rules and order of business and shall set its own agenda, which will be made public. A quorum for meetings of the Council shall require participation by at least four (4) members.
- B. The Council shall hold a regular meeting at least twice a month in the evening on a day and place as the Council may prescribe by rules. Council shall hold at least one regular meeting each year outside of Council Chambers in each of the three (3) Districts from which the District Members are elected. Council may, by resolution, cancel a meeting in the event it is deemed not necessary due to a lack of business. Meetings scheduled to be held in the Districts shall not be cancelled but may be rescheduled within the same calendar year.

The Council shall have the right and responsibility to meet at least three (3) times each year with the Mayor, City Administrator, Department Directors, and other key management personnel to review progress towards strategic objectives and offer suggestions and alternative approaches.

- C. Special meetings may be held at the call of the Mayor or the request of at least four (4) members at such time and place and under such conditions as the Council may prescribe by rule.
- D. All meetings shall be open to the public, except executive sessions, as authorized by law. The meeting location will be arranged in such a way as to have all members of the Council facing the public.
- E. All actions of the Council shall require a majority vote of the members of Council, except for an ordinance or action requiring a different majority vote as specified elsewhere in this Charter.

Voting shall be by roll call and the vote of each member shall be entered in the minutes of the meeting. Each roll-call vote shall be taken in rotating order so that each of the members present will have an opportunity to vote in each voting order position from first to last.

- F. The Council shall provide for keeping of minutes of its proceedings. The minutes shall be a public record and shall be maintained at City Hall and shall be available to the public. Citizens may purchase copies at a reasonable cost to be established by the Council.
- G. The Council shall provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be one of the first order of business items at all public meetings. The public shall be granted the opportunity to comment at Council meetings subject only to reasonable time limitations established by Council for each meeting.

#### **§ C-2.12 Actions Requiring an Ordinance.**

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

- A. Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- B. Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;

- C. Levy taxes;
- D. Grant, renew, or extend a franchise;
- E. Regulate the rate charged for its services by a public utility;
- F. Authorize the borrowing or lending of money;
- G. Convey or lease or authorize the conveyance or lease of any lands of the City;
- H. Regulate land use and development;
- I. Amend or repeal any ordinance previously adopted;
- J. Adopt, with or without amendment, ordinances proposed under the initiative power.
- K. Acts other than those referred to above may be done either by ordinance or resolution.

**§ C-2.13 Ordinances in General.**

- A. Form.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in the title. The enacting clause shall be “The City of Easton hereby ordains . . .” Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

- B. Procedure.

Any member at any regular or special meeting of the Council may introduce an ordinance. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the City Administrator; shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate; and shall publish the ordinance together with a notice setting out the time and place for the public’s right to be heard thereon and for its consideration by the Council. The public’s right to be heard shall follow the publication by at least seven (7) days; may be held separately or at a regular or special Council meeting; and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the ordinance with or without

amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein required in the case of a newly introduced ordinance. As soon as practicable after adoption, the Clerk shall have the ordinance published and made available at a reasonable price.

C. Effective Date.

Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

D. "Publish" Defined.

As used in this section, the term "publish" means to print in the contemporary means of information sharing, which may include, but is not limited to, one or more newspapers of general circulation in the City and on the City's website;

- (1) The ordinance or a brief summary thereof; and
- (2) The places where copies of it have been filed, and the times they are available for public inspection and purchase at a reasonable price.

**§ C-2.14 Emergency Ordinances.**

To meet a public emergency affecting the life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except as provided in Article V. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to the appropriate provisions of § C-5.07, shall automatically stand repealed as of the sixty-first (61<sup>st</sup>) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**§ C-2.15 Codes of Technical Regulations.**

The City Council may adopt any standard code of technical regulations (e.g., a Building, Electrical, or Plumbing Code) by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

- (1) The requirements of § C-2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to § C-2.16A.

Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

**§ C-2.16 Authentication and Recording; Codification; Printing of Ordinances and Resolutions.**

A. Authentication and Recording.

The City Clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the City Council.

B. Codification.

Within three (3) years after adoption of this Charter, and at least every ten (10) years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the Commonwealth of Pennsylvania, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Easton City Code. Copies of the Code shall be furnished to City officers, placed in libraries, public offices, and, if available, in a website for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

C. Printing of Ordinances and Resolutions.

The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed

promptly following its adoption, and the printed ordinances, resolutions, and Charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication, the first Easton City Code and, at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the Commonwealth of Pennsylvania or the codes of technical regulations and other rules and regulations included in the Code.

### **ARTICLE III, Mayor and City Administrator**

#### **.§ C-3.01 The Mayor.**

A. The executive powers of the City shall be vested in the Mayor, who shall be the Chief Executive Officer of the City government.

B. Powers and Duties of the Mayor.

- (1) Serve as a member and Chair of the Council;
- (2) See that all laws, provisions of this Charter, and acts of the City Council are faithfully executed;
- (3) Submit the Annual Budget and Capital Program to the City Council;
- (4) Submit and present to the Council at the beginning of each year a comprehensive “State of the City and Its Government” report with recommendations;
- (5) Facilitate the work of the Council in developing policy;
- (6) Lead the Council in the development of long-term goals for the City and strategies to implement those goals;
- (7) Encourage and support regional and intergovernmental cooperation; and
- (8) Promote partnerships among Council, staff and citizens in developing public policy in building a sense of community.

C. Appointment by the Mayor.

Subject to the advice and consent from a majority of the City Council, the Mayor shall appoint and may remove, subject also to such consent:

- (1) The City Administrator.
- (2) The City Solicitor and any Assistant Solicitors.

The Mayor shall also appoint:

(3) All members of authorities, boards, and commissions, subject to the advice and consent from at least five (5) members of Council; and

(4) A Deputy Mayor to perform the executive duties in the event of the Mayor's absence or disability. The Deputy Mayor shall be the City Administrator unless the Administrator is not a resident of the City, in which case, the Mayor may select any department director or City employee but not an elected official. The appointment requires no advice and consent of Council.

### **§ C-3.02 The City Administrator—Appointment; Qualifications; Compensation.**

Following nomination by the Mayor, the City Council, by a majority vote of its total membership, shall appoint a City Administrator for an indefinite term and fix the Administrator's compensation. The City Administrator shall be appointed on the basis of education and experience in the accepted competencies and practices of local government management. For example: a master's degree with a concentration in public administration, public affairs, or public policy and two (2) years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree with those concentrations and five (5) years' such experience. The City Administrator need not be a resident of the City or state at the time of appointment but must become a resident of the City no later than one (1) year after that appointment.

### **§ C-3.03 Acting City Administrator.**

By letter filed with the Mayor and Council, the City Administrator shall designate a City officer or employee to exercise the powers and perform the duties of City Administrator during the Administrator's temporary absence or disability; the City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Administrator returns.

### **§ C-3.04 Powers and Duties of the City Administrator.**

The City Administrator shall be the chief administrative and operating officer of the City, responsible to the Mayor and Council for the management of all City affairs placed in the Administrator's charge by or under this Charter. The City Administrator shall, subject to approval by the Mayor:

- (1) Appoint and suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Administrator shall appoint the directors of departments, subject to approval of the Mayor. The City Administrator may authorize any administrative officer subject to the Administrator's direction and supervision to exercise these powers

with respect to subordinates in that officer's department, office or agency.

- (2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
- (3) Attend all City Council meetings. The City Administrator shall have the right to take part in discussion but shall not vote.
- (4) Prepare the Annual Budget and Capital Program for the Mayor and the City Council, and implement the final budget approved by Council to achieve the goals of the City.
- (5) Submit to the Mayor and City Council, and make available to the public, a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (6) Make such other reports as the City Council may require concerning operations and recommend plans, performance measures, and bench marks to the Mayor to be included in the annual "State of the City and Its Government" message.
- (7) Keep the Mayor and City Council fully advised as to the financial condition and future needs of the City.
- (8) Provide staff support services for the Mayor and Council Members.
- (9) Perform such other duties as are specified in this Charter or may be required by the City Council.

## **ARTICLE IV, Officers; Departments; Agencies**

### **§ C-4.01 City Controller.**

#### **A. Establishment of Office.**

There shall be an office of the City Controller directed by a City Controller who shall be elected in the manner provided by the State Election Law for a four-year term commencing the first business day in January of the year following the election.

#### **B. Eligibility and Compensation.**

The City Controller shall be and have been, for at least one (1) year, a registered voter of the City and must retain residency during the term. The Controller shall be a competent accountant. The compensation for the

Controller shall be established by the Council following the process detailed under § C-2.04 of this Charter.

C. Powers and Duties.

The Controller shall:

- (1) Pre-audit and sign all warrants for the payment of money from the City Treasury when satisfied that an appropriation exists and proper procedures have been followed;
- (2) Review and comment upon the Annual Budget;
- (3) At the request of the Mayor, Council, or City Administrator, conduct performance audits to assess the effectiveness of departments, agencies, and programs;
- (4) Serve as a member of the Audit Committee as required under § C-5.11 and assist with all audits conducted by independent auditors;
- (5) Report to the Mayor and Council on progress on the implementation of any recommendations found in the annual independent audit and management letter;
- (6) Review and comment to the Mayor and Council upon internal control procedures and report annually to the Mayor and Council on the status of internal controls;
- (7) Manage the office of the Controller;
- (8) Issue subpoenas and administer oaths as needed to fulfill these duties; and
- (9) Attend those meetings of the Council when requested by Council or selected by the Controller, with the right to participate in discussion but without a vote.

D. Prohibitions.

The prohibitions listed in § C-2.05, applying to the Mayor and other Council Members, shall also apply to the Controller, and violating these prohibitions shall be a violation of this Charter.

E. Vacancies; Forfeiture of Office; Filling Vacancies.

All provisions of § C-2.06 shall govern vacancies, forfeiture of office and filling vacancies in the position of City Controller.

F. Deputy Controller.

- (1) Appointment by Controller. The City Controller may appoint or remove a Deputy Controller who, in case of the sickness, absence, or inability of the Controller to perform the duties and responsibilities of the office, shall have those same powers and responsibilities. In the event of such an appointment, the Controller shall be responsible for all acts of that

Deputy.

(2) Appointment of Temporary Deputy by Council. In case of the sickness, absence, or inability of the Controller to perform the duties of the office, when no Deputy has been appointed by the Controller the Council may appoint a Deputy Controller to perform those duties and responsibilities during the period of inability or until the Controller appoints a Deputy.

(3) In the event of a vacancy or forfeiture in the office of Controller, the Deputy Controller shall continue to serve for thirty (30) days or until a new Controller has been selected.

#### **§ C-4.02 Office of the City Solicitor.**

Following nomination by the Mayor, the City Council, by a majority vote of its total membership, shall appoint a City Solicitor for an indefinite term and set the Solicitor's compensation. The Solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor shall serve as chief legal advisor to the Mayor, Council, Administrator, and all City departments, offices, and agencies, and shall represent the City in all legal proceedings. The Solicitor shall perform any other duties prescribed by state law, by this Charter, or by ordinance. The Solicitor may be removed from office in accordance with the procedures established in § C-3.01C. Any Assistant Solicitors shall be appointed and removed in the same manner as provided in this section.

#### **§ C-4.03 Department of Finance.**

There shall be a Department of Finance directed by the Director of Finance. The Director of Finance shall be appointed by the City Administrator, subject to approval of the Mayor. The Director of Finance shall be qualified to become a Certified Government Finance Officer as established by the Government Finance Officers Association.

The Department of Finance shall be responsible for:

- (1) Receipt, expenditure, investment, custody and control of City funds and assets;
- (2) Financial accounting and reporting, which shall be conducted according to generally accepted accounting principles (GAAP);
- (3) Administration of payroll, employee benefits, and pensions;
- (4) Acquisition and administration of materials, supplies and equipment;
- (5) Preparation and administration of the City's budget as assigned by the City Administrator; and
- (6) Other financial management matters assigned by the City Administrator.

**§ C-4.04 Administrative and Merit Personnel Codes.**

A. Administrative Code.

City Council shall adopt and may amend an Administrative Code, which shall set forth the organization and administrative structure and procedures of the City. This Code shall establish departments, offices and agencies, in addition to those created by this Charter, and may prescribe the functions of all departments, offices, and agencies.

The Administrative Code may:

- (1) Establish qualifications and prohibitions for department directors;
- (2) Adopt uniform administrative procedures and regulations; and
- (3) Adopt other rules, regulations, and procedures appropriate for efficient administration.

B. Merit Personnel Code.

- (1) Merit Principle.

All appointment and promotions of City officers and employees shall be made solely on the basis of merit and fitness, demonstrated by a valid and reliable examination or other evidence of competence.

- (2) Merit Personnel Code.

Consistent with applicable federal and state laws, the City Council shall adopt and may amend, by ordinance, a code for the establishment, regulation and maintenance of a merit system, governing personnel policies necessary to effective administration of the employees of the City's departments, offices, and agencies, including, but not limited to, classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances, and relationships with employee organizations.

**ARTICLE V, Financial Management**

**§ C-5.01 Fiscal Year.**

The fiscal year for the City of Easton shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly

procedure for financial and budgetary controls in making such a transition.

**§ C-5.02 Preparation and Submission of Budget and Budget Message.**

On or before one hundred twenty (120) days prior to the start of the fiscal year, the City Administrator shall submit a draft budget and budget message to the Mayor. On or before ninety (90) days prior to the start of the fiscal year, the Mayor shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

**§ C-5.03 Budget Message.**

The Budget shall be accompanied by a message prepared by the Mayor that shall explain the Budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future fiscal years. It shall describe the important features of the Budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the City's debt position, include factors affecting the ability to raise resources through debt issues, and include such other materials as the Mayor deems desirable.

**§ C-5.04 Budget.**

The Budget shall be a complete financial plan of all City funds and activities for the ensuing two (2) fiscal years and, except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the Council shall require for effective management and an understanding of the relationship between the Budget and the City's strategic goals. The Budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levies, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current and preceding fiscal years. It shall indicate in separate sections:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or other organizational unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable; the proposed method of financing each such capital expenditure; and methods to measure outcomes and performance related to the goals; and

- (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing fiscal year for each utility or other enterprise fund or internal service fund operated by the City, and methods to measure outcomes and performance related to the goals. For any fund, the total of the proposed expenditures shall not exceed estimated income plus carried forward fund balance exclusive of reserves.

**§ C-5.05 City Council Action on Budget.**

A. Notice; Public Access; Hearing.

The City Council shall publish the general summary of the Budget and a notice stating:

- (1) That the proposed budget shall be available for public inspection at the office of the City Clerk and copies of the Budget shall also be made available to the public at the City Clerk's office for purchase at a reasonable price to be set by Council.
- (2) The time and place for a public hearing(s) on the Budget, which shall be not less than 14 days after such publication.

B. Amendment before Adoption.

After the public hearing, the City Council may adopt the Budget with or without amendment. In amending the Budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the Budget shall increase the authorized expenditures to an amount greater than total estimated income.

C. Adoption.

The Council shall adopt a budget for the ensuing fiscal year on or before sixteen (16) days before the end of the current fiscal year (December 15, if the calendar year is the fiscal year). If the Council fails to adopt a budget by that date, the budget proposed by the Mayor shall be the Official Budget for the City for the ensuing fiscal year.

D. Revised Budget.

It is the intent of this Charter that a new Council in the year following a

municipal election shall have the power to revise the Budget in effect and modify appropriation and tax and fee levy ordinances. The procedures established in this section for Budget submission, consideration and adoption shall apply, but all actions must be completed within forty-five (45) days of the start of the fiscal year. A revised Budget, once adopted, shall be effective retroactively to the start of the fiscal year and shall rescind and replace the Budget in effect.

E. “Publish” Defined.

As used in this Article, the term “publish” means to print in the contemporary means of information sharing, which includes, but is not limited to, one or more newspapers of general circulation in the City and in the City’s website.

**§ C-5.06 Appropriation and Revenue Ordinances.**

- A. To implement the adopted Budget, the Council shall adopt, prior to the beginning of the fiscal year:
- (1) An appropriation ordinance making appropriation by department, fund, service, strategy, or other organizational unit and authorizing an allocation for each program or activity;
  - (2) A tax levy ordinance authorizing the tax levy or levies and setting the tax rate or rates; and
  - (3) Any other ordinances required to authorize, amend or modify the rates of any other taxes, fees, or charges or other revenue sources.

B. Revenue Powers.

Council shall have the power to levy any taxes permitted by the Constitution of the Commonwealth of Pennsylvania and authorized for home rule municipalities by the Legislature, but in the case of real estate taxes they shall be restricted to the provisions of state law provided for cities of the Third Class.

**§ C-5.07 Amendments After Adoption.**

A. Supplemental Appropriations.

If during or before the fiscal year the City Administrator and Director of Finance determine that there are available for appropriation revenues in excess of those estimated in the Budget, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

B. Emergency Appropriations.

To address a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § C-2.14. To the extent that there are no unappropriated revenues or sufficient fund balances to meet such appropriations, the Council may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. Reduction of Appropriations.

If at any time during the fiscal year it appears probable to the City Administrator and Director of Finance that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Administrator shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the Administrator and recommendations 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, and for that purpose it may, by ordinance, reduce or eliminate one or more appropriations.

D. Transfer of Appropriations.

At any time during or before the fiscal year, the Council may, by ordinance, transfer part or all of the unencumbered appropriation balance from one department, service, strategy or organizational unit to another or to a new appropriation. The City Administrator may transfer funds among programs within a department, service, strategy or organizational unit, and shall report such transfers to the Council in writing in a timely manner.

E. Limitation; Effective Date.

No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

F. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

**§ C-5.08 Administration and Fiduciary Oversight of the Budget.**

The City Administrator working with the Director of Finance shall be responsible for the administration of the Budget. The Council shall provide, by ordinance, the procedures for administration and fiduciary oversight of the Budget.

**§ C-5.09 Capital Program.**

- A. Submission to the Mayor and Council.

The City Administrator shall prepare and submit to the Mayor and Council a multi-year Capital Program no later than three (3) months before the final date for submission of the Budget to the Council by the Mayor.

- B. Contents.

The Capital Program will include:

- (1) A clear general summary of its contents;
- (2) Identification of the long-term goals of the City;
- (3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (5) Method of financing upon which each capital expenditure is to be reliant;
- (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- (7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
- (8) Methods to measure outcomes and performance of the Capital Program related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**§ C-5.10 Council Action on the Capital Program.**

A. Notice; Public Access; Hearing.

Council shall publish a general summary of the Capital Program and a notice stating:

- (1) That the Capital Program will be available for public inspection at the office of the City Clerk and any other places Council may designate, and copies will be available for purchase at a reasonable price to be set by the Council at the City Clerk's office;
- (2) The time, place and date, not less than fifteen (15) days after the publication of the notice, for a public hearing(s) on the Capital Program.

B. Adoption.

The Council, by resolution, shall adopt the Capital Program with or without amendment after the public hearing(s) on or before thirty (30) days prior to the final date for submission of the Budget by the Mayor.

**§ C-5.11 Independent Annual Audit.**

The Council shall provide for an independent annual audit of all City government accounts and may provide for more frequent or extensive audits, as it deems necessary. An independent certified public accountant (CPA) or firm of such accountants shall perform such audits. Such audits should be performed in accordance with generally accepted auditing standards (GAAS) and generally accepted government auditing standards (GAGAS).

The Council shall annually establish an Audit Committee, comprised of the City Controller, two (2) members of Council, and two (2) registered voters of the City, who:

- (1) Do not hold public office;
- (2) Are willing to perform these duties as citizen volunteers;
- (3) Are not employed by the City of Easton or any of its departments, offices, or agencies; and
- (4) Possess at least two (2) of the following:
  - (a) An understanding of generally accepted accounting principles (GAAP) and financial statements;
  - (b) Experience in the preparation or auditing of financial statements of entities of a similar size;
  - (c) Experience in the application of GAAP in regard to estimated accruals and reserves;
  - (d) Experience with internal controls; and
  - (e) An understanding of how an audit committee works. One of the

Council Members shall chair the Committee.

The Audit Committee shall:

- Lead the process of selecting an independent auditor;
- Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- Receive any report of the independent auditor and present that report to the Council with any recommendations from the Committee.

The Council shall, using competitive bidding, designate the independent auditor or firm annually, or for a period not to exceed five (5) years, but the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide any other service to the City during the time it is retained to provide independent audits to the City. The Council may waive this requirement by a majority vote at a public meeting.

**§ C-5.12 Published Public Records.**

Copies of the Budget, Capital Program, independent audits, and appropriation and revenue ordinances shall be public records and shall be made available at the City Clerk's office. Copies shall also be available for purchase by the public at a reasonable price to be established by the Council.

**§ C-5.13 Competition.**

A. Competition Principle.

All purchases of materials, supplies, equipment and services by the City government shall be made through competitive processes, with evidence available to demonstrate broad solicitation of suppliers and opportunities for participation in the acquisition process, and the value received for the money paid.

B. Competitive Policies Code.

Consistent with applicable federal and state laws, the Council shall adopt and may amend, by ordinance, a code for the establishment, regulation, and maintenance of a competition system, governing the policies necessary to effectively administer a system of competitive purchasing for the City government. This code may include but is not limited to:

- (1) Establishing varied procedures for types of services or materials to be acquired;

- (2) Setting dollar limits which would require:
  - (a) Verbal solicitation of price quotes with a written record;
  - (b) Written price quotes after informal solicitation; and
  - (c) Formal public solicitation of written price quotes after public advertising;
- (3) Establishing procedures for determining sole source contract awards;
- (4) Policies regarding minority or local resident preference (if any); and
- (5) Policies and procedures to encourage the use of contemporary purchasing techniques such as reverse auctioning and electronic commerce.

## **ARTICLE VI, Elections**

### **§ C-6.01 City Elections.**

#### A. Regular City Elections.

Regular City elections shall be held in accordance with the laws of the Commonwealth of Pennsylvania.

#### B. “Registered Voter” Defined.

All citizens legally registered under the Constitution and laws of the Commonwealth of Pennsylvania to vote in the City shall be registered voters of the City within the meaning of this Charter.

#### C. Conduct of Elections.

The provisions of the General Election Laws of the Commonwealth of Pennsylvania shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by state law.

#### D. Beginning of Terms.

The terms of the Mayor, other members of Council, and the Controller shall begin the first business day in January following their election.

### **§ C-6.02 Council Districts and Adjustment of Districts.**

#### A. Initial Districts.

There shall be three (3) City Council Districts. The initial districts shall be comprised as follows:

- (1) District One: Wards 2; 3-2; 3-3; 3-4 and 4.
- (2) District Two: Wards 5; 6; 7; 8E and 8W.
- (3) District Three: Wards 9; 10E; 10W; 11 and 12.

B. Adjustment of Districts.

Following each decennial census, the Council shall review the districts and may, by ordinance, adjust the districts to reflect relatively equal populations in each district. Should the citizens wish to do this redistricting directly or to challenge action of the Council to redistrict they may do so using the powers of initiative or referendum granted under this article of the Charter.

**§ C-6.03 Method of Electing Council Members.**

A. Election of 2007.

In November of 2007 the voters will consider the adoption of this Home Rule Charter and will elect at large a Mayor and three (3) members of City Council to serve for four-year terms. If this Charter is adopted by the voters, that Mayor and three (3) other Council Members will assume the position, powers, duties and responsibilities of the Mayor and members of Council, established under Articles II and III of this Charter, when they assume office on the first business day of January, 2008.

As outlined in Article IX of the Charter, the two (2) members of Council whose term of office continues through 2009 will serve as members of Council during those years when the Council will be entirely comprised of members elected at large.

At its initial meeting in 2008, held in accordance with § C-9.05(3), the Council shall fill the vacancy, which will exist for the seventh (7<sup>th</sup>) member of Council, for a two-year term as provided in § C-2.05C.

B. Election of 2009.

In November of 2009 the voters in each of the Districts established above will elect one (1) member to serve for a four-year term, and the Council, beginning in 2010, shall be comprised as established under Article II of the Charter.

**§ C-6.04 Initiative and Citizen Referendum.**

A. Grant of Powers.

(1) Initiative.

The registered voters of the City shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed, without any change in substance, to adopt or reject it at an election, but such power shall not extend to the Budget or Capital Program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

(2) Citizen Referendum.

The registered voters of the City shall have power to require reconsideration, by the Council, of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at an election, but such power shall not extend to the Budget or Capital Program; any emergency ordinance; or ordinance relating to appropriation of money or levy of taxes, or setting the salaries of City officials or employees.

B. Commencement of Proceeding; Petitioners' Committee.

Any six (6) registered voters of the City may commence initiative or citizen referendum by filing, with the City Clerk, an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition 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 initiative ordinance or citing the ordinance sought to be reconsidered.

C. Petitions.

(1) Number of Signatures.

Initiative and citizen referendum petitions must be signed by registered voters of the City, equal in number to at least five percent (5%) of the total number of registered voters at the time of the last general election.

(2) 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 shall be executed in ink or indelible pencil, and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have

attached thereto, throughout the circulation, the full text of the ordinance proposed or sought to be reconsidered.

(3) Affidavit of Circulator.

Each paper of a petition shall have attached to it, when filed, an affidavit executed by the person(s) circulating it, stating:

- (a) That he or she personally circulated the paper;
- (b) That the circulator is a registered voter of the City of Easton;
- (c) The number of signatures thereon;
- (d) That all the signatures were affixed in his or her presence;
- (e) That he or she believes them to be the genuine signatures of the persons whose names they purport to be; and
- (f) That each signer had an opportunity, before signing, to read the full text of the ordinance proposed or sought to be reconsidered.

(4) Time for Filing Citizen Referendum Petitions.

Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

D. Procedure After Filing.

(1) Certificate of Clerk; Amendment.

Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) business days after receiving the copy of his or her certificate, and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of § C-6.04C. Within five (5) business days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition, as amended, and promptly send a copy of such certificate to the petitioners' committee by registered mail, as in the case of an original petition.

If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient, and the petitioners' committee does not elect to amend or request Council review under paragraph (2) of this subsection within the time

required, the Clerk shall promptly present his or her certificate to the Council, and the certificate shall then be a final determination to the sufficiency of the petition.

(2) Council Review.

If a petition has been certified insufficient, and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the Committee may, within two (2) business days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The 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 by the City as to the sufficiency of the petition.

(3) Court Review; New Petition.

A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained by court review, shall not prejudice the filing of a new petition for the same purpose.

E. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The Council repeals the ordinance; or
- (4) Thirty (30) days have elapsed after a vote of the City on the ordinance.

F. Action on Petitions.

- (1) Action by Council.

When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided under Article II or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance, without any

change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(2) Submission to Voters of Proposed or Referred Ordinance.

The vote of the City on a proposed or referred ordinance shall be held at a primary or general election not less than the time required by the Northampton County Board of Elections and not later than nine (9) months from the date of the final Council vote thereon.

(3) Withdrawal of Petitions.

An initiative or referendum may be withdrawn at any time prior to the time required by the Northampton County Board of Elections preceding the day scheduled for a vote of the City, by filing with the City Clerk a request for withdrawal signed by at least two-thirds (2/3) of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

G. Results of Election.

(1) Initiative.

If the majority of the votes cast on a proposed initiative ordinance are in its favor, 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 the 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.

(2) Referendum.

If a majority of the votes cast on a referred ordinance are against it, it shall be considered repealed upon certification of the election results.

## **ARTICLE VII, Conflicts of Interest; Prohibitions; Board of Ethics**

### **§ C-7.01 Conflicts of Interest; Board of Ethics.**

A. Conflicts of Interest.

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to:

- (1) Acting in an official capacity on a matter(s) in which the official has a private financial interest, clearly separate from that of the general public;
- (2) The acceptance of gifts and other things of value;
- (3) Acting in a private capacity on matters dealt with as a public official;
- (4) The use of confidential information; and
- (5) Appearances by City officials before other City agencies on behalf of private interests.

The ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision making authority over monetary expenditures and contracts and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

B. Board of Ethics.

The City Council shall, by ordinance, establish an independent Board of Ethics to administer and enforce the conflict of interest and financial disclosure ordinance(s). No member of the Board may hold elective or appointed office under the City or any other government or hold any political party office. Insofar as possible under state law, the City Council shall authorize the Board to:

- (1) Issue advisory opinions;
- (2) Conduct investigations on its own initiative and on referral or complaint from officials or citizens;
- (3) Subpoena witnesses and documents;
- (4) Refer cases for prosecution;
- (5) Impose administrative fines; and
- (6) Hire independent counsel.

The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it and to provide annual training and education of City officials and employees and candidates for public office regarding the Ethics Code.

**§ C-7.02 Prohibitions.**

A. Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any City position or appointive City administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin, or political affiliation.
- (2) No person shall willfully make any false statement, certificate, signature, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- (4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose, to be used in conjunction with any City election from an appointed City official or City employee.
- (5) No City employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for City office on City time or facilities.

B. Penalties.

Any person convicted in a court of law of a violation of this section shall be ineligible, for a period of five (5) years following such conviction, to hold any City office or position, and if an officer or employee shall immediately forfeit his or her office or position, the City Council shall establish, by ordinance, such further penalties as it may deem appropriate.

## **ARTICLE VIII, Charter Amendment**

### **§ C-8.01 Proposal of Amendment.**

Amendments to this Charter may be framed and proposed:

- (1) By ordinance of the Council containing the full text of the proposed amendment and effective upon adoption;
- (2) By report of a Charter Commission created by ordinance; or
- (3) By the voters of the City as provided below.

Proposal of an amendment by the voters of the City shall be by petition, containing the full text of the proposed amendment, and shall be governed by the same procedures and requirements prescribed in Article VI for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by registered voters of the City in number to at least ten percent (10%) of the total number of those registered to vote at the last general election. Two-thirds (2/3) of the petitioners' committee may withdraw the petition at any time before the time required by the Northampton County Board of Elections preceding the day scheduled for the City vote on the amendment.

**§ C-8.02 Election.**

Upon delivery to the election authorities of the report of a Charter Commission, or delivery by the City Clerk of an adopted ordinance, or a petition finally determined sufficient proposing an amendment pursuant to § C-8.01, the election authorities shall submit the proposed amendment to the voters of the City at an election. Such election shall be announced by a notice containing the full text of the proposed amendment and published in one or more newspapers of general circulation in the City at least thirty (30) days prior to the date of the election. The election shall be held not less than the time required by the Northampton County Board of Elections and not more than nine (9) months after the adoption of the ordinance or Charter Commission report or final determination of the sufficiency of the petition proposing the amendment.

**§ C-8.03 Adoption of Amendment.**

If three-fifths (3/5) of those voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, thirty (30) days after adoption by the voters.

**ARTICLE IX, Transition and Severability**

**§ C-9.01 Officers and Employees.**

(1) Rights and Privileges Preserved.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of employee collective bargaining units, established or to be established, under Acts 111 and 195 of the Commonwealth of Pennsylvania. Collective bargaining agreements in effect at the time of adoption of this Charter shall continue in effect until modified through future agreements or

arbitrations.

(2) Continuation of Office or Employment.

Except as specifically provided by this Charter, if at the time this Charter takes effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until some specific provision under this Charter takes effect directing that he or she vacate the office or position.

(3) City Treasurer.

The elected position of City Treasurer is abolished under this Charter and the duties and responsibilities of the Treasurer and Treasurer's Department are hereby assigned to the Department of Finance established under Article IV. The Treasurer elected in November of 2007 will complete his or her term of office as required by state law. That Treasurer shall: 1) Provide the bond and insurance required under Section 1402 of the Third Class City Code; 2) Work with the Director of Finance to perform the duties established under the Third Class City Code, Sections 1403, 1405, and 1406. Financial accounting and reporting required under Section 1404 of the Code shall be administered by the Department of Finance as required under § C-4.03 (2) of this Charter. The Mayor shall resolve any disputes between the Treasurer and the Director of Finance. All prohibitions established by this Charter for the Mayor and other members of Council and the Controller shall apply to the Treasurer. If a vacancy should occur in the office of the Treasurer, that vacancy shall not be filled and the duties of the office shall immediately be assigned to the Department of Finance.

(4) Personnel System.

An employee holding a City position at the time this Charter takes effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in § C-4.04B.

**§ C-9.02 Departments, Offices and Agencies.**

(1) Transfer of Powers.

If a City department, office, or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office, or agency designated in this Charter or, if the Charter makes no provision, designated by the City Council.

(2) Property and Records.

All property, records, and equipment of any City department, office, or agency existing when this Charter is adopted shall be transferred to the

department, office, or agency assuming its powers and duties, but in the event the powers and duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, and equipment shall be transferred to one or more departments, offices, or agencies designated by the City Council.

**§ C-9.03 Pending Matters.**

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the City department, office, or agency appropriate under this Charter.

**§ C-9.04 State and Municipal Laws.**

All City ordinances, resolutions, orders, and regulations which are in force when this Charter becomes effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter, or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the Commonwealth of Pennsylvania permit, all laws relating to or affecting the City of Easton or its agencies, offices or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

**§ C-9.05 Schedule.**

(1) Initial Elections.

As provided in § C-6.03A, the Mayor and three (3) other members of Council and the Controller, elected at the November 2007 municipal election, shall be the initial elected officials to be chosen under this Charter. As required by state law, the two (2) members of Council whose terms expire at the end of 2009 shall complete their terms of office. The Mayor, the three (3) elected members, and the two (2) members completing their elected terms of office, shall, at their first meeting in January 2008, appoint a seventh (7<sup>th</sup>) member to a two-year term, thus forming a seven-member Council, all of whom will have been selected at large.

The initial election of Council Members by district will occur in November of 2009, with the terms of those elected to begin on the first business day of January 2010.

(2) Time Taking Effect.

This Charter shall take effect on the first business day of January 2008 as to all provisions except for the provisions that three (3) members of the Council are to be elected by district and that the position of elected

Treasurer is to be eliminated. This Charter will be fully in effect as to all provisions on the first business day of January 2012.

(3) First Council Meeting.

The Easton City Council, to initiate operations under this Charter, shall meet on the first business day of January 2008 at 6:00 p.m. at the Easton City Hall:

- (a) For the purpose of electing a Vice Mayor and appointing or considering the appointment of a City Administrator, City Solicitor, and City Clerk;
- (b) For the purpose of adopting ordinances and resolutions, to affect the transition of government under this Charter, and to maintain effective City government during that transition;
- (c) For the purpose of appointing the seventh (7<sup>th</sup>) member of Council for a two-year term ending the first business day of January 2010.

(4) Temporary Ordinances.

In adopting ordinances, as provided in § C-9.05(3), the City Council shall follow the procedures prescribed in § C-2.13, except that, at its first meeting or any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government, and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship to or impairment of effective City government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the Council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection, as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first (91<sup>st</sup>) day following the date on which it was adopted, renewed or otherwise continued, except by adoption in the manner prescribed by § C-2.13 for ordinances of the kind concerned.

(5) Transition Expenses.

The Council in office in 2007 shall appropriate sufficient funds to finance expenses to be incurred in the transition to this Charter, such as expenses to recruit a City Administrator and Director of Finance. These funds may be expended on vouchers submitted to the Council after approval by the Mayor elected in November 2007.

(6) **Delay of Certain Requirements.**

During the first two (2) years of operation under this Charter, the Budget submission requirements established under § C-5.02 may be modified, with approval of the Mayor, to ninety (90) days for the City Administrator's submission to the Mayor and sixty (60) days for the Mayor's submission to the Council.

**§ C-9.06 Severability.**

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