City of Beaver Falls

HOME RULE CHARTER

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PREPARED AND SUBMITTED BY:
THE BEAVER FALLS HOME RULE GOVERNMENT STUDY COMMISSION

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HOME RULE CHARTER FOR THE CITY OF BEAVER FALLS

Preamble and Statement of Vision

This Charter and all amendments hereto shall constitute the form of government for the City of Beaver Falls. Among the purposes of this Charter are:

- To provide City services and facilities with the highest degree of efficiency and economy;
- To establish a Council-Manager form of government;
- To secure all possible Home Rule authority, and
- To provide for the health, safety and well-being of the citizens.

The People of Beaver Falls through this Home Rule Charter envision a form of government that creates an environment of openness, empathy, participation, collaboration, integrity, consistency, fairness, effectiveness, and accountability.

The City of Beaver Falls therefore adopts this Charter to secure the benefits of local self-government and affirm the values of representative democracy, strong and ethical political leadership, and professional management of its business and affairs.

ARTICLE 1. GENERAL PROVISIONS

1.1. Name and Boundaries.

A. Name. The City of Beaver Falls shall continue to be a municipal corporation under its present name of "City of Beaver Falls."

B. Boundaries. The boundaries of the City shall be the actual boundaries of the City at the time this charter takes effect and as they may be lawfully changed thereafter.

1.2. Effective Date

This Charter shall become effective on January 1, 2022 with regard to any matter set forth in this Charter with the exception of any matter directly related to any elective and/or appointive office and/or any City employee. The municipal government shall operate under the terms and provisions of this Charter from and after the said effective date. Any matter directly related to elective and/or appointive offices and/or any City employee set forth herein shall become effective as set forth in this Charter. Until such time the City shall be governed by the Third-Class City Code.

1.3. Powers.

The City may exercise any power and perform any function of government not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time. All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provisions the City shall refer to the Third-Class City Code or other legislative laws of the Commonwealth.

1.4. Residual Powers Conferred on City Council.

All powers of the City including any such power which may hereafter be conferred on the City by amendment of the Constitution of the United States, or of the Constitution of Pennsylvania, or of this Charter, or by Act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the City Council. The City Council shall be elected, shall organize, and shall function as provided in this Charter.

1.5. Construction.

The powers of the City shall be construed liberally 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 stated in this article. All possible powers of the City, except as limited in §1.3 above, are to be considered as if specifically, and individually set forth in this Article, whether such powers are presently available to the City or may hereafter from time to time become available.

1.6. Intergovernmental Relations.

The City may exercise any of its powers, transfer, delegate or perform any of its functions or responsibilities, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Federal Government, the Commonwealth, any municipality or

school district of the Commonwealth, municipal authority and any one or more states or governments of another state.

1.7. Eminent domain.

The City may acquire property by eminent domain, including entering upon, appropriating, taking, using and occupying private lands and property for any public purpose as authorized by the Commonwealth and subject to the duty to provide just compensation. The City shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

1.8. Definitions

The following words, when used in this Charter, shall have the following meaning:

"Charter" shall mean the Home Rule Charter adopted by the voters for the City of Beaver Falls.

"City" shall mean the Home Rule Municipality known as the City of Beaver Falls

"City Manager" shall mean the chief official appointed by City Council to direct the administration of the City.

"City Solicitor" shall mean the legal advisor and chief lawyer for the City.

"Council" shall mean the duly elected governing body of the City which includes four (4) Council members and the Mayor.

"Elected Officials" shall mean the Mayor and Council members.

"Elector" shall mean any person within the City who has legally registered to vote.

"Mayor" shall mean the chief elected official of the City.

"Public Notice" shall mean a legal advertisement in compliance with the current laws of the Commonwealth of Pennsylvania.

"Voter" shall mean any person who is qualified to vote in the City of Beaver Falls.

1.9. Guarantees of Nondiscrimination.

The City shall not deny to any person the enjoyment of any civil right, or discriminate, or allow discrimination against any person in the exercise of any civil right because of race, color, religious belief, ancestry, gender, sexual orientation and gender identity, disability, or national origin.

1.10. Ethics Law.

All officials and employees of the City shall be subject to the Pennsylvania Public Official and Employee Ethics Law as now in effect or as hereafter amended. The Council may adopt a City ethics ordinance which may be more restrictive but shall not conflict with the state ethics law.

1.11. Conflict of Interest.

No elected or appointed official or employee of the City shall influence, attempt to influence, or vote on the making of any contract, or otherwise supervise or deal in any City matter in which such person has either a direct or indirect financial, personal, or other special interest.

1.12. Continuation of General Laws and Ordinances.

All ordinances, rules, and regulations of the city in force at the time the Charter becomes effective and not in conflict with any provision of the Charter shall continue in force until amended or repealed by the Council.

The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it when this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and duties.

1.13. Charter Amendment.

Amendments to this Charter may be framed and proposed in accordance with the provision of the laws of the Commonwealth governing home rule charters, as presently enacted or hereafter amended.

1.14. Severability.

It is the intention of the electors of the City that if this Charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts of the Charter, the remaining provisions of the Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included in the Charter.

ARTICLE 2. ELECTED OFFICIALS

2.1. Elected Officials Identified.

The members of Council and the Mayor shall be the only elected officials of the City.

2.2. Council Composition, Eligibility, Election, and Terms.

A. Council. The City shall be governed by a five-member Council, elected at large to staggered four-year terms, one of whom shall be the Mayor.

B. Mayor. The Mayor shall be independently elected at large and shall be a member of and the presiding officer of Council. The Mayor shall be the official representative of the City. The Mayor shall have no veto power.

C. Deputy Mayor. The Council shall select a Deputy Mayor from among its members to perform the presiding officer duties in the absence or disability of the Mayor.

D. Eligibility. In order to be eligible for Mayor or Council, the candidate shall:

1. Be a registered voter for at least one (1) year prior to the filing of petitions for the primary election in which the person is a candidate;

2. Have resided in the City for a period of one (1) year prior to the filing of petitions for the primary election in which the person is a candidate;

3. Retain residency in the City during the term of office; and

4. Forfeit the remaining term of office should she/he move out of the City.

A. Election and Terms. The regular election of Council shall be held in the manner prescribed by the state election code.

1. Two (2) Council members shall be elected at a regular municipal election

2. Two (2) Council members and the Mayor shall be elected at an alternate regular municipal election

3. Terms for Council members are established as four (4) years.

4. Terms of Council members shall begin on the first Monday of January of the year after their election.

2.3. Compensation; expenses.

Compensation of the Mayor and Council members shall be established by ordinance no later than February 15 of the year of a municipal election. The new salary shall become effective on the date that the Mayor or Council member take office after the said election. The Mayor and Council members shall receive no other compensation, direct or indirect, for the performance of their duties. They shall receive no pensions, insurance, health benefits or other forms of fringe benefits. They shall, however, be entitled to any actual expenses incurred in the performance of their duties.

2.4. General powers and duties.

All powers of the City, including any such power which may hereafter be conferred on the City by the Constitution of the United States, or by the Constitution of Pennsylvania, or by this Charter, or by Act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the City Council. Specific Council powers and duties include:

A. To adopt an Administrative Code within one year after the Charter is approved by vote of the electorate, establishing and defining the responsibilities of City departments, agencies, and offices as well as procedures as it shall deem to be of importance in the proper and efficient operation of the City government. Council shall have the continuing authority thereafter by amendment of the Administrative Code to make changes in departmental, personnel, and administrative procedures, to create, abolish or alter any department, board, commission, agency or position, except as may be required by law or this Charter to the extent that such matters are not inconsistent with the Charter and with applicable laws.

B. To enact, amend, or repeal ordinances and resolutions provided they do not conflict with this Charter or the laws of the Commonwealth.

C. To appoint or remove the City Manager and City Solicitor in accordance with the provisions of this Charter.

D. To approve the appointment of Department Directors as recommended by the City Manager.

E. To create, alter, combine, or abolish municipal departments, bureaus, boards and commissions not otherwise specified in this Charter.

F. To levy taxes, establish rates, and assess fees.

G. To make appropriations, incur indebtedness, and adopt the annual and capital budget.

H. To make or cause to be made special studies or audits as it deems to be in the best interest of the City.

I. To hold public hearings on any matter.

J. To appoint committees or commissions of its own members or of citizens to conduct inquiries and investigations into the conduct of any officer, department, commission, authority, or agency or any matter relating to the welfare of the City and shall delegate to such committees or commission such powers of inquiry as the Council may deem necessary.

K. To compel the attendance of witnesses and the production of books, records, papers, documents or any other evidence at any meeting of the Council or any committee thereof, and for that purpose, may issue subpoenas signed by the Mayor.

L. To fix the amount of fidelity bonds for officers and employees paid from municipal funds.

M. To adopt by resolution or motion policies, rules, and regulations for its conduct and procedures governing the management and administration of the City.

N. To make provision for any matter of City government not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this Home Rule form of government.

2.5. Continuing Education

The City shall offer to the Mayor and Council members the opportunity to obtain memberships in professional local government organizations, to attend training courses offered by local government training organizations, and to participate in continuing education relative to their duties and responsibilities throughout their tenure. The cost of such memberships and training shall be borne by the City.

2.6. Prohibitions.

A. The Mayor and Council members shall not hold any elected or appointed City office other than the one to which she/he was elected or appointed.

B. The Mayor and Council members shall not hold any compensated position of City employment.

C. The Mayor and Council members shall not accept gifts from any persons who may gain personally from any transaction with the City.

D. Except for the purpose of inquiry, the Mayor and Council members shall deal with the day-to-day administration of the City solely through the City Manager, and shall not give orders to any subordinate of the City Manager, whether directly or indirectly, and whether publicly or privately.

2.7. Vacancies, Forfeiture of Office, Filling Vacancies.

A. Vacancies. The office of Mayor or individual Council member shall become vacant upon death, resignation, or removal from office in any manner authorized by law or by forfeiture of office.

B. Forfeiture of Office. The Mayor or individual Council members shall forfeit his/her office if she/he lacks at any time during the term of office any qualification prescribed by this charter or by law.

C. Filling of Vacancies.

1. Mayor: If a vacancy shall occur in the office of Mayor for any reason, the Deputy Mayor shall fill the office of Mayor at the time when the office is declared vacant by Council. Should the Deputy Mayor permanently assume the office of Mayor, the office of the Council member who had been serving as Deputy Mayor shall become vacant and a new Deputy Mayor shall be designated thereafter. Council shall then follow the procedure in §2.7 (C) (2) of this Charter to fill the vacant Council position previously held by the Deputy Mayor.

2. Council: If a vacancy shall occur in the office of Council member for any reason, the remaining members of the Council shall fill such vacancy until the next municipal election by appointing a person qualified to hold such office. If the Council shall refuse, fail, neglect, or be unable, for any reason whatsoever, to fill such vacancy within sixty (60) days after the vacancy occurs, the Court of Common Pleas shall, upon petition of the majority of Council members or of any ten (10) electors of the City, temporarily fill the vacancy by the appointment of a qualified resident of the City who shall serve until a successor is elected and seated following the next municipal election. If the number of Council members becomes less than a quorum, then the remaining members of Council shall fill the vacancies on Council in the manner set forth in this Charter.

2.8. Procedures.

A. Oath of Office. Each Council member, prior to assuming office, shall take and shall sign an oath of office as prescribed by the laws of the Commonwealth of Pennsylvania.

B. Meetings. The Council shall meet regularly at least once in every month at such times and place as the Council may prescribe by public notice.

1. The Council shall meet for a reorganization meeting during the first week of January of each even numbered year.

2. The Mayor shall serve as the presiding officer of Council.

3. At the organizational meeting, the Council shall elect, from among its members, a Deputy Mayor.

4. All meetings of Council at which any formal or informal vote is taken shall be public unless exempted by law.

5. Council may adjourn to a stated time for general business or for special business.

6. Three (3) members of Council, one of whom may be the Mayor, shall constitute a quorum. If no quorum is present at a regular or adjourned meeting, a majority of the members of Council who are present may agree upon another date and hour for a meeting, and members present may continue to agree until a meeting can be held with a quorum in attendance.

7. Special meetings may be called by the Mayor, or in his/her absence, the Deputy Mayor, or upon the written request of three or more members of Council provided that at least 24 hours' notice is given to each Council member.

C. Rules. The Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. The minutes of Council shall be a public record.

D. Voting. All voting of Council shall be public.

1. Each Council member in attendance is required to cast an affirmative or negative vote unless the Council member states a conflict of interest prior to the vote.

2. Voting shall be by "ayes" and "nays" unless a roll call vote is required by law or requested by a Council member.

3. Three (3) members of Council, which may include the Mayor, shall constitute a quorum for official business.

4. For resolutions and motions, the action of a majority of the Council members present shall constitute official action of Council.

5. Ordinances shall be enacted by a majority of the full Council.

E. Citizens Public Comments. The Council shall provide reasonable opportunity for interested citizens to address the Council on matters of general or special concern at all Council meetings at which a quorum is present in accordance with the Open Meetings (Sunshine) Act of the Commonwealth of PA.

ARTICLE 3. LEGISLATION

All official actions of the City Council shall be taken by the adoption of an ordinance, a resolution or by motion. All ordinances and resolutions must be in written form and enacted only after reasonable notice to members of City Council and to the public. Action in adopting ordinances shall be by roll call vote and the vote of each member of City Council shall be entered in the record of the meeting.

3.1 Ordinances

A. Ordinance Required: In addition to any other actions required by law or by this Charter, the following actions of the Council shall be by ordinance and by a majority (three members) of Council:

1. Adopting or amending the Administrative Code.
2. Establishing a fine or other penalty for violation of an ordinance
3. Levy of new taxes or increases to the rates of existing taxes.
4. Executing a borrowing instrument (note, bond, lease, or line of credit) as required by the Local Government Unit Debt Act.
5. Adoption of a Personnel system.
6. Establishing or abolishing any City department, office, or agency and related regulatory procedures for each.
7. Creating or abolishing any commission, committee, board, authority, or any other similar agency.
8. Adopting a purchasing/procurement procedure for the acquisition of products, goods, or services, for the making of contracts, and for the sale or lease of personal or real property of the City.
9. Amending or repealing any ordinance previously adopted.
10. Establishing, increasing or reducing the compensation of the Mayor or members of the Council.

Legislative acts other than those referred to above may be completed either by ordinance, resolution, or motion.

B. Ordinances Requiring a Public Hearing. No final action shall be taken on the following types of ordinances and amendments without a public hearing and at least ten (10) days

prior Public Notice of said hearing published in compliance with the current laws of the Commonwealth of Pennsylvania and on the City's Official Information Site. Said notice shall furnish the time and place of the public hearing and shall state where and when copies of the proposed ordinance may be available for public inspection. Ordinances requiring public hearings shall be scheduled in the event of:

1. A public hearing is required by state or federal law.

2. Adoption of or amendment to the Administrative Code.

3. Adoption with or without amendment of ordinances proposed under the initiative power.

4. Ordinances previously adopted or repealed under the referendum power.

C. Enacting Clause: The enacting clause of all ordinances shall be: "The City of Beaver Falls hereby ordains . . ."

D. General Ordinance Requirements: Every ordinance shall contain the date of its enactment and have the municipal seal affixed to the original copy. Failure on the part of the Mayor and City Manager/City Clerk to sign an ordinance or affix the municipal seal shall not in any way invalidate an otherwise valid ordinance.

E. Ordinance Procedure. Ordinances shall be prepared by the City Manager and/or City Solicitor and shall be provided to Council in advance of the public meeting for their consideration.

1. Prior to introduction of any ordinance, the City Manager and/or City Clerk shall distribute a copy to the Mayor and each Council Member and shall file a copy in the City Manager's Office for public inspection.

2. Every ordinance shall be introduced at a Public Meeting in writing and in the form required for final adoption.

3. Public Notice of all proposed ordinances shall be published as required by state law and made available on the City's Official Information Site, not less than seven (7) days before passage. Notice shall include either the full text or a brief summary of the proposed ordinance which lists its major provision(s)and a reference to the place within the City where copies of the full text of the proposed ordinance may be examined.

4. The Council shall adopt all ordinances at a Public Meeting after Public Notice. Amendments, if any, shall be made by motion on the floor with the roll call taken on all amendments submitted.

5. If the City Solicitor determines that substantial amendments are made in the proposed ordinance before voting upon enactment, the proposed ordinance shall be placed on the table, readvertised, and shall not be acted on until the next regular or special meeting of Council.

6. Where maps, plans or drawings of any kind are adopted as part of an ordinance, said documents shall be kept on file and available to be examined by the public.

7. When an ordinance is adopted by Council, it shall then be signed by the Mayor within ten (10) days of the affirmative majority vote, or in his or her absence or refusal to sign, the Deputy Mayor, or any other Council Member and attested by the City Manager or City Clerk.

F. Penalty. The penalty for the violation of any ordinance shall not exceed the maximum fine established by the Commonwealth of Pennsylvania. Any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such.

G. Publication and Effective Date of Ordinances. After adoption, all ordinances shall become a part of the City's codified ordinances. The effective date of the ordinance shall be as set forth by the laws of the Commonwealth of Pennsylvania. In the event said laws fail to set forth an effective date, then said effective date shall be ten (10) days after the ordinance is signed by the Mayor, Deputy Mayor or other Council Member, as permitted by this Charter.

H. Recording of Ordinances. All ordinances of the City shall be retained verbatim in accordance with the Commonwealth's Municipal Records Act. Ordinances shall be available for public inspection at reasonable hours. Ordinances shall be in the custody and control of the City Manager/City Clerk and all entries made therein shall be at the direction of the City Manager/City Clerk. The City shall codify all adopted ordinances within six (6) months of the effective date of the ordinance.

I. Codes of Technical Regulation. The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. Copies of any adopted code of technical regulation shall be made available by the City Manager/City Clerk for distribution at a reasonable price.

J. Emergency Ordinances. The Council may adopt emergency ordinances in conditions affecting life, health, property, or the public peace. Such emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility, or authorize the borrowing of money except as provided by the laws of the Commonwealth of Pennsylvania. An emergency ordinance shall be introduced in accordance with Section 3.1 (E) (2) of this Charter, except that it shall be designated as an emergency ordinance and shall contain a declaration stating the emergency that exists. The emergency ordinance may be adopted, with or without amendment, or rejected at the

meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed at any time.

3.2 Resolutions

A. Except for actions required by law or by this Charter to be taken by Ordinance, the following actions of the Council may be enacted by Resolution or Motion:

1. Approval of agreements and contracts.
2. Approval of collective bargaining agreements
3. Establishment of annual salaries, benefits, and compensation
4. Establishment of fees for services
5. Adoption of the annual budget and amendments to the budget
6. Adoption of the annual Capital Improvement Plan
7. Appointments to boards, commissions, committees, authorities or similar agencies
8. All other legislative actions of Council.

B. Enacting Clause: If by Resolution, the enacting clause shall be: "The City of Beaver Falls hereby resolves . . . ."

C. General Resolution Requirements: Every resolution shall contain the date of its enactment, signatures by the Mayor or Deputy Mayor and City Manager/City Clerk and have the municipal seal affixed to the original copy of each resolution.

D. Recording of Resolutions. All resolutions of the City shall be retained verbatim in accordance with the Commonwealth's Municipal Records Act.

a. Resolutions shall be available for public inspection at reasonable hours.

b. Resolutions shall be in the custody and control of the City Manager/City Clerk and all entries made therein shall be at the direction of the City Manager/City Clerk.

c. In lieu of a bound Resolution book the City may provide electronic access to a catalogued version of all adopted Resolutions.

ARTICLE 4. APPOINTED OFFICIALS

4.1 City Manager

The City Manager shall be appointed by the Council solely on the basis of administrative qualifications, experience, and education.

4.11 Qualifications

A. The City Manager shall have a bachelor's degree in public, municipal, or business administration or a related field.

B. A degree in another field may be considered based on the experience of the individual.

C. The City Manager shall have a minimum of five (5) years' experience in a management position in a local government operation.

4.12 Term of Office, Employment Agreement.

The City Manager is an "at will" employee and shall serve at the pleasure of Council. Council is authorized to enter into an employment agreement by majority vote with the City Manager that may include the following points:

A. Term of Office. A specified period which complies with the laws of the Commonwealth of Pennsylvania.

B. The Employment Agreement may also contain:

1. Duties, Responsibilities, and Authority.

2. Compensation, Benefits, and Conditions of Employment.

3. Pension Benefits.

4. Resignation and/or Termination Provisions.

5. Severance.

6. Performance Evaluation.

7. Any other items mutually agreed upon.

C. No terms of the agreement shall contradict the Charter, Administrative Code, Personnel Ordinance or laws of the Commonwealth of Pennsylvania.

D. The City Manager may be removed from office by a vote of at least three (3) members of the Council at any time subject to the terms of her/his Council-approved employment agreement.

4.13 Acting City Manager.
The City Manager may name a qualified administrative officer of the City to perform his/her duties during his/her temporary absence or disability. If she/he fails to name a deputy, or, if his/her absence or disability continues for more than 30 days, the Council may appoint an officer of the City or such other qualified person to perform the duties of the City Manager until she/he shall return or her/his disability ceases.

4.14 Powers and duties of the City Manager.
The City Manager shall be the chief administrative officer of the City. The City Manager shall be responsible to the Council for the administration of all city affairs assigned to him/her by this Charter or by ordinance. The City Manager shall:

A. Provide for the enforcement of all laws and ordinances of the City.

B. Appoint or remove all Department Directors, with the consent of the Council.

C. Appoint or remove all other City employees as provided herein or by ordinance.

D. Direct and supervise the administration of all departments, offices and agencies within City government, except as otherwise provided by the Charter or law, and to make recommendations to Council concerning the affairs of the City.

E. Negotiate contracts on behalf of the City, subject to the approval of the Council.

F. Make recommendations concerning the nature and location of City improvements.

G. Assure that all terms and conditions imposed in favor of the City or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and shall bring violations to the attention of the Council.

H. Prepare an agenda for and attend all meetings of the Council with the right to take part in discussions, but without the right to vote.

I. Make such recommendations to the Council concerning policy formulation as s/he deems necessary.

J. Keep the Council and the public informed of the conduct of City affairs.

K. Oversee the preparation and submission of the annual budget and budget message to the Council and oversee the administration of the budget approved by the Council.

L. Carry out all policies established by Council for the proper administration of City affairs within the jurisdiction of the Council.

M. Perform such other duties as may be required by ordinance or resolution of the Council.

4.15. Prohibition.

A. The City Manager shall neither seek nor hold any elective government office while serving as City Manager.

B. The City Manager shall not accept gifts from any persons or entities who may gain personally from any transaction with the City.

4.16. Departmental Accountability.

All departments, offices, and agencies under the supervision of the City Manager shall be administered by a Department Director appointed with the consent of Council. The City Manager may serve as Department Director of one or more departments, offices, or agencies or may appoint one Department Director as the head of two or more departments or agencies.

4.17. Bond

The City Manager shall annually provide a lawful fidelity bond in an amount to be approved by the Council. The premium of the bond shall be paid by the City.

4.2 Chief Financial Officer (CFO)

Council shall provide for the office of Chief Financial Officer (CFO) and shall set forth specific duties and responsibilities in the Administrative Code. The CFO shall be appointed on the basis of financial and accounting qualifications, education, and experience and special consideration shall be given to applicants with training and experience in municipal government operations in the area of public finance.

4.21. Appointment, qualifications

A. Appointment. The CFO shall be appointed by the City Manager with the consent of Council and shall act as the Department Director of the City's Finance Office.

B. Qualifications. The CFO shall be generally competent in accounting practices, possess a strong governmental accounting background and be knowledgeable, experienced and current in public finance.

1. The CFO shall have at minimum a bachelor's degree in Finance, Accounting, or Public or Business Administration from an accredited four-year college or university.

2. A degree in another field may be considered based on the experience of the individual.

3. The CFO shall become a member of the Government Finance Officers Association or successor organization.

4.22. Appointment of Assistants.

With the approval of the City Manager, the CFO shall hire assistants, personnel, and consultants as are necessary to carry out all the duties and assignments of the City's Finance Office and as appropriated in the annual budget.

4.23. Duties and Responsibilities

The CFO shall be responsible for the City's overall financial management operation.

A. The CFO shall collect all taxes and fees as authorized by Council, except as otherwise proscribed by law.

B. The CFO shall be responsible for the performance and oversight of the City's Financial Management System.

C. The CFO shall be responsible for the preparation of the annual operating budget and capital improvement plan under the direction of the City Manager.

D. The CFO shall prepare and submit regular financial reports to Council and the City Manager, including but not limited to budget performance, cash flow, and balance sheets.

E. The CFO shall provide for secure deposits of all City funds in depositories approved by the Council and shall provide for lawful investment of idle funds.

F. The CFO shall prepare the financial reports and material for the annual audit in a timely manner so as to meet the deadlines set forth in Section 8.14 of this Charter.

4.24. Prohibitions

A. The CFO shall not hold any elected governmental office while serving as the City's CFO.

B. The CFO shall not accept gifts from any persons who may gain personally from any transaction with the City.

4.25. Bond

The CFO shall annually provide a lawful fidelity bond in an amount to be approved by the Council but at least in an amount sufficient to cover the amount of the taxes on the real estate duplicate. The premium of the bond shall be paid by the City.

4.3 City Solicitor

Council shall appoint a legal officer who shall serve as chief legal adviser to the City Council, City Manager and all municipal departments, offices, and agencies of the City. The City Solicitor shall perform any other duties prescribed by this Charter, by ordinance, or other applicable law.

4.31. Appointment, Qualifications, and Compensation.

A. Appointment. Council, by a vote of at least three (3) members of the Council, shall appoint a Solicitor for an indefinite term. The City Solicitor may be one person or a law firm, partnership, association, or a similar professional entity.

B. Qualifications. The Solicitor must be an attorney licensed to practice law in the Commonwealth of Pennsylvania.

C. Insurance. The Solicitor must maintain an appropriate amount of malpractice insurance as determined by Council.

D. Compensation. The Solicitor shall be appointed either on a full-time basis or a part-time basis or on a retainer basis or a combination thereof. The Solicitor shall be compensated as provided by Council in the annual budget and shall not receive fringe benefits of the City unless the City Solicitor is hired as a full-time employee.

4.32. Powers and Duties.
The Solicitor shall be the chief legal officer of the City and shall be responsible for the following specific duties:

A. Attend Council meetings as required.

B. Furnish formal legal opinions when requested to the Council and the City Manager on any matter arising in the exercise of their official powers and duties.

C. Except as otherwise expressly provided by the Council, supervise, direct, and control all the legal work of the City.

D. Approve all contracts, bonds, and other legal instruments.

E. Prepare, review, or assist in the preparation of any ordinance, resolution, or agreement upon the request of the Council or City Manager.

4.33. Special Counsel
Council may, at its discretion, retain special counsel for particular proceedings or matters of the City and shall provide for the compensation of special counsel.

4.34. Removal
The Council may, by a vote of at least three (3) members of the Council, remove the City Solicitor, assistant City Solicitors and/or any special counsel at any time, with or without cause.

4.4 City Clerk

4.41. Appointment.
The City Manager may, with the consent of Council, appoint a City Clerk for an indefinite term. The position may be combined with the position of City Manager or another position in City government.

4.42. Removal.
The City Manager may, with a vote of at least three (3) members of the Council, remove the City Clerk at any time, with or without cause.

4.43. Powers and duties.
The City Clerk, if appointed, shall:

A. Keep full minutes of Council meeting proceedings.

B. Transcribe the bylaws, rules, regulations, resolutions, and ordinances into appropriate books kept for those purposes.

C. Preserve the records and documents of the City.

D. Have custody of the corporate seal.

E. Certify copies of any book, paper, record, bylaw, rule, regulations, resolution, ordinance or other proceedings of the City under the seal of the City.

F. Attest to the execution of all instruments.

G. File or record proof of service of all notices required by law or ordinance.

H. Deliver to the successor the seal and all the books, papers and other records and matters belonging to the City.

I. Perform such other duties as are required by the City Manager.

ARTICLE 5. PERSONNEL

The Council shall adopt by ordinance an Administrative Code defining the responsibilities of all municipal departments, offices, and agencies as it deems necessary and proper for the effective and efficient conduct of City affairs.

5.1 General provisions.

A. Existing Departments. All departments, offices, and agencies in existence at the date of enactment of this Charter unless contrary to this Charter, shall continue to operate until the Council provides otherwise.

B. Creation of Departments. The Council may establish municipal departments, offices, or agencies in addition to those created by this Charter and may prescribe the function of all departments, offices, and agencies.

C. Direction by City Manager. All departments, offices and agencies shall be under the direction and supervision of the City Manager.

5.2 Personnel System

The Council shall establish a personnel system through enactment of an ordinance based upon a merit system and equal employment opportunity which shall not conflict with any statutes heretofore enacted by the PA General Assembly or federal statutes affecting the rights, benefits, or working conditions of employees.

5.3 Merit System.

All hiring, employment, and promotions of City employees shall be made solely based upon a merit system through the assessment of abilities, knowledge, skills, performance, relevant experience, and potential for greater responsibility as demonstrated by examination or other evidence of competence.

5.4. Collective Bargaining.

No personnel related ordinances, resolutions, policies, or procedures shall conflict with the laws of the Commonwealth related to collective bargaining.

5.5 Civil Service

All fire and police employees shall be hired and promoted according to the provisions of the City's Civil Service Rules and Regulations as amended from time to time by the Council.

5.6. Prohibitions

A. No City employee shall take an active part in a political campaign or solicit political contributions or services for any City public office.

B. No City employee shall hold any City public office or any City political party office while serving as a City employee.

C. No person shall solicit political contributions or services for any candidate or political party from any City employee while at work for the City or on City property at any time.

D. No City employee shall accept gifts from any persons or entities who may gain personally from any transaction with the City.

ARTICLE 6. POLICE DEPARTMENT

6.1. Police Chief, Appointment, Qualifications and Tenure.

A. The Police Chief shall be appointed by the Manager with the advice and consent of Council.

B. The person appointed as Police Chief shall have management experience and a background of employment in the field of law enforcement and public safety.

C. The Police Chief shall be appointed for an indefinite period.

D. The Police Chief may be removed by the City Manager or by the consent of at least four (4) members of Council.

E. The Police Chief shall not participate in the conduct of any political or election campaign other than to exercise his/her own right of suffrage.

6.2 Appointment, Promotion and Reduction of Force.

A. Every position for permanent employment in the police department shall be filled by the City Manager from the list of eligible candidates in accordance with the provisions of the Civil Service Rules and Regulations of the City established before and after the effective date of the Charter.

B. All provisions of the Third Class City Code that confer powers or duties upon the Mayor or Council relative to the police department shall be exercised by and such duties performed by the City Manager.

6.3 Authority.

Police officers employed by the City shall have all the powers and authority conferred on police officers of all municipalities of all classes by action of the PA General Assembly.

6.4. Part-Time Police Officers

The City Manager may appoint part-time police officers in accordance with the Civil Service Rules and Regulations adopted by the City before and after the effective date of the Charter and consistent with the laws of the Commonwealth.

6.5. Special Police.

The City Manager may appoint qualified special police with full police powers and jurisdiction for the duration of any declared emergency in which the safety and welfare of the City and the public is endangered.

ARTICLE 7. FIRE DEPARTMENT

7.1. Fire Chief, Appointment, Qualifications and Tenure.

A. The Fire Chief shall be appointed by the Manager with the advice and consent of Council.

B. The person appointed as Fire Chief shall have management experience and a background in the field of firefighting and fire science.

C. The Fire Chief shall be appointed for an indefinite period.

D. The Fire Chief may be removed by the City Manager or with the consent of at least four (4) members of Council.

E. The Fire Chief shall not participate in the conduct of any political or election campaign other than to exercise his/her own right of suffrage.

7.2 Appointment, Promotion and Reduction of Force.

A. Every position for permanent employment in the fire department shall be filled by the Manager from the list of eligible candidates in accordance with the provisions and procedures of the Civil Service Rules and Regulations of the City established before and after the effective date of the Charter.

B. All provisions of the Third Class City Code that confer powers or duties upon the Mayor or Council relative to the fire department shall be exercised by and such duties performed by the City Manager.

7.3. Part-Time Firefighters

The City Manager may appoint part-time firefighters in accordance with the Civil Service Rules and Regulations adopted by the City before and after the effective date of the Charter.

7.4. Fire Marshall.

The Council may, by ordinance, provide for the creation of the office of Fire Marshall, who shall be appointed by the Manager with the advice and consent of Council and who may be the Fire Chief or another member of the fire department.

A. The powers and responsibilities of the Fire Marshall shall be in accordance with the provisions and procedure of the Third Class City Code.

ARTICLE 8. FINANCIAL PROCEDURES

8.1. Fiscal Year.

The fiscal year shall begin on the first day of January and end on December 31.

8.2. Submission of Budget.

The City Manager with the assistance of the Chief Financial Officer shall submit to the Council an Operating Budget for the fiscal year with an accompanying Budget Message no later than November 1.

8.3. Budget Message.

The Budget Message shall be required as part of the Operating Budget and shall explain the budget and the work to be accomplished in the coming fiscal year. It shall describe expenditures and revenues, summarize the City's debt position, and include such other material as the City Manager deems necessary. The specific contents of the Budget Message shall be set forth in further detail in the Administrative Code.

8.4. Operating Budget.

The Operating Budget shall provide a detailed budget for every City fund and shall be in a form acceptable to the City Manager and City Council. The budget shall show in detail all estimated revenue, proposed tax levies, and estimated expenditures including debt service for the next fiscal year. The specific contents of the Operating Budget shall be set forth in further detail in the Administrative Code.

8.5. Balanced Operating Budget.

Total proposed expenditures shall not exceed the total estimated revenue for each City fund.

8.6. Capital Improvement Plan.

The City Manager with the assistance of the Chief Financial Officer shall prepare and shall submit to the Council a five-year Capital Improvement Plan no later than August 1 of each fiscal year. The Capital Improvement Plan shall include the capital projects pending or proposed for the next five (5) fiscal years together with the estimated cost of each improvement and the method for financing it. The contents of the Capital Improvement Plan shall be set forth in further detail in the Administrative Code.

8.7 Public Record.

A. The proposed Operating Budget, Budget Message, and Capital Improvement Plan shall be considered public records in the Office of the City Manager (or City Clerk), shall be open to public inspection during business hours, and shall be published on the City's Official Information Site.

B. Copies of the adopted Operating Budget, Budget Message, and Capital Improvement Plan shall be public records, shall be made available to the public in the Office of the City

Manager (or City Clerk) during business hours, and shall be published on the City's Official Information Site.

8.8. Council Action on the Operating Budget.

A. Public Notice. Official public notice, as set forth in the Administrative Code, that the proposed Operating Budget for the current fiscal year is available for public inspection must be posted on the City's Official Information Site not less than ten (10) days before adoption of the budget.

B. Amendment Before Adoption. The proposed Operating Budget shall be introduced at a public meeting of Council. The Council may make amendments to the proposed budget provided that no amendment to the Operating Budget shall increase the authorized expenditures to an amount greater than the total estimated revenue.

C. Adoption. The Council shall adopt the Operating Budget by Resolution, no sooner than ten (10) days after Public Notice, with or without amendments, but no later than December 31.

D. Amendment after Adoption of the Budget. The Council may amend the adopted Operating Budget, by Resolution, by majority vote of Council provided that any amendment shall fall within the City's estimated revenue at the time of the amendment.

E. In the event that a new budget is not adopted by December 31 in the current fiscal year, the prior year budget levels and appropriations shall continue in full effect until a new budget is adopted.

8.9 Council Action on the Capital Improvement Plan.

A. Public Notice. Official public notice, as set forth in the Administrative Code, that the five-year Capital Improvement Plan is available for public inspection must be posted on the City's Official Information Site not less than ten (10) days before adoption of the Plan.

B. Adoption. The Council shall adopt the Capital Improvement Plan by Resolution, no sooner than ten (10) days after Public Notice, with or without amendments, but no later than December 31.

8.10. Taxation

Concurrently with the adoption of the annual budget, the Council shall adopt by ordinance the annual tax levies after Public Notice.

A. Public Notice. Official Public Notice, as set forth in the Administrative Code, that the proposed Tax Ordinance is available for public inspection must be posted on the City's Official Information Site not less than ten (10) days before adoption of the Ordinance.

B. Rates. Subject to the applicable provisions of state law, the Council, in its sole discretion shall determine the rates of all taxes. In any fiscal year, the additional revenue derived from a combination of real estate taxes, earned income taxes, and deed transfer tax shall not exceed 10% over the previous year.

C. Adoption of Tax Levy. The adoption of a Tax Ordinance shall be required for any increases in the rates of existing taxes. The Tax Ordinance and Public Notice shall not be necessary for the reenactment of taxes levied annually at the same rate.

8.11. Emergency Appropriations

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such emergencies, the Council may incur debt in a manner prescribed by the Pennsylvania Local Government Unit Debt Act now in effect or as amended.

8.12. Borrowing of Funds.

Council may authorize the borrowing of money for any purpose within the scope of powers vested in the City by this Charter or by the Pennsylvania General Assembly, including revolving funds for municipal improvements, and for the issuance of bonds of the City, or other evidence of indebtedness as prescribed by the Local Government Unit Debt Act. The Council may pledge the full faith, credit and resources of the City for the payment of the obligation created.

8.13. Temporary Investment of Funds

Council may provide for the temporary investment of funds in accordance with general statutes that identify investment instruments, insurance or collateralization requirements, and permit cooperative investment programs.

8.14. Independent audit.

The Council shall provide for an annual independent audit of all City funds and accounts by a certified public accountant who has no personal interest, direct or indirect, of the fiscal affairs of the City or of any of its elected or appointed officers. The DCED Annual Audit shall be submitted to the Department on the forms and before the deadline prescribed by law. The annual audited financial statements with a management letter addressing internal controls shall be presented to the Council by the City's independent auditor by June 30th following the fiscal year audited.

8.15. Payment of Funds.

A. No payment of any funds shall be made unless provided for in the budget and approved by the Council; with the exception that payroll, insurance, utility, and other routine and necessary expenditures may be made at the direction of the City Manager or Chief Financial Officer.

B. All checks or drafts of the City shall be signed and counter-signed by a minimum of one elected and one appointed officer.

1. Elected Officials shall include: Mayor, Deputy Mayor, or a member of Council designated by Council.

2. Appointed Officials shall include: City Manager, Chief Financial Officer, or City Clerk.

C. The Chief Financial Officer shall prepare a monthly list of expenditures to be approved for payment by City Council at their regular meeting.

8.16. Purchasing and Procurement.

The City shall adopt a Purchasing and Procurement Ordinance for the purpose of purchasing supplies, material, labor, franchises, or other valuable consideration to the City. The ordinance shall establish and maintain a system of competitive bidding, proposal solicitation, and additional procedures for purchasing certain products and services without bidding.

8.17. Contracts.

All contracts of the City shall be consistent with public thresholds for competitive bidding published by the PA Department of Labor and Industry annually.

The Mayor and City Manager (or City Clerk), when authorized by Council, shall sign all contracts and agreements for the City. If the Mayor and/or City Manager refuse to sign an authorized contract, Council may authorize two (2) members of the Council to sign the contract.

ARTICLE 9. PUBLIC PARTICIPATION

9.1 General Provisions

Council shall protect and promote the right of the citizens of Beaver Falls to participate in a positive and constructive manner. Subject to and in accordance with this Charter, citizens of the City may participate in City Government by:

A. Seeking elected office and voting for the elected officials of their choice.

B. Serving on boards, commissions, authorities, or other agencies of the City.

C. Attending and being heard at Council meetings and other City boards, commissions, authorities, or agencies of the City.

D. Participating in the periodic review and recommendation of amendments to this Charter; and

E. Exercising the right of initiative and referendum as provided in Article 10 of this Charter.

9.2. Open Meetings

Opportunity shall be provided for the public to be heard at every public meeting under procedures established by Council in the Administrative Code and pursuant to the PA Open Meetings Law (the Sunshine Act).

9.3. Official City Information Site (Website)

Council shall provide for the establishment, operation and maintenance of an Official City Information Site (website) for the purpose of providing the citizens and taxpayers of the City with notice and information regarding the functions and activities of City government. In the event that a city website should become obsolete for meeting its intended functions as herein provided, Council may by ordinance utilize the most generally accepted substitute for a website to accomplish the purpose of this section.

All notices and documents required by this Charter to be posted and displayed on the official City website shall be posted and displayed on the date required for publication or submission and shall remain posted and displayed until the date of any meeting or hearing at which formal action on the subject matter of such posting shall take place.

Proof of posting shall be retained in the City Manager's Office.

ARTICLE 10. INITIATIVE AND REFERENDUM

10.1 Initiative and Referendum

A. Initiative. The qualified voters of the City shall have the power to propose new ordinances and the power to propose the repeal of existing ordinances to the Council by an initiative petition. If the Council fails to adopt the proposed ordinance without any change in substance or repeal the existing ordinance, the ordinance shall be placed on the ballot at the next timely City primary or City general election for adoption or rejection by the voters of the city.

B. Referendum. The qualified voters of the city shall have the power to require the Council to enact an ordinance or repeal any adopted ordinance. If the Council fails to adopt or repeal an ordinance, the ordinance shall be placed on the ballot at the next timely City primary or City general election for adoption or rejection by the voters of the city.

C. Initiative and Referendum actions for amending the Home Rule Charter shall be pursuant to the laws of the Commonwealth governing home rule charters as presently enacted or hereafter amended and shall not fall under this section.

10.2. Prohibition.

Initiative and referendum may not be used to compel the enactment, modification, or repeal of ordinances affecting:

A. Taxes, fees, charges or other revenue measures;

B. The adopted budget or capital program,

C. Salaries, wages, fringe benefits or other compensation of City officials or public employees;

D. Any legislation pre-empted by the General Assembly affecting this Charter.

10.3. Initiative and Referendum Proceedings.

Any ten (10) qualified voters may start an initiative petition by filing with the City Manager or City Clerk an affidavit stating they shall constitute the Petitioners' Committee and shall be responsible for circulating the petition and filing it in the proper form. The affidavit shall set forth the names and addresses of the members of the initiative petition and specify the address to which all notices to the Committee are to be sent. The affidavit shall set forth the full text of the proposed ordinance or cite the ordinance sought to be repealed. Within five (5) business days after the affidavit of the Petitioners' Committee is filed, the City Manager (or City Clerk) shall issue the standard initiative petition blanks to the Petitioners' Committee.

10.4. Number of Signatures.

Initiative petitions must be signed by qualified voters of the City equal in number to at least ten percent (10%) of the total number of voters who voted at the most recent gubernatorial general election.

10.5. Form and Content of Initiative and Referendum Petition.

The petition shall be uniform in size and style and capable of being assembled as one instrument for filing. Each signature to the petition shall be executed in ink and shall include:

A. The name of the person signing the petition printed legibly and clearly,

B. The address of the person signing, and

C. The date signed.

Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed for enactment or repeal.

10.6. Affidavit of Circulator.

If the petition is circulated by more than one person, each petition separately circulated shall have attached to it when filed an affidavit executed by the circulator verifying that he or she personally circulated the document and verifying the number of signatures thereon. The circulator shall swear or affirm that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed for enactment or repeal.

10.7. Time for Circulation and Filing Initiative Petition.

Initiative petitions shall be circulated and signed within a period of sixty (60) days from the date of the first signature on such petition.

10.8. Verification.

The City Manager shall be vested with authority to review and determine the sufficiency of the petition.

A. Within thirty (30) days after the petition is filed, the City Manager shall certify the petition as satisfactory or deficient.

B. In the event the petition is certified as satisfactory it shall be placed on the agenda for Council consideration and action at the next regular Council meeting.

C. In the event that the petition is certified as insufficient, the City Manager shall return the petition to the Petitioners' Committee with a statement setting forth specifically the matters requiring corrective action.

D. The Petitioners' Committee shall file a corrected petition within ten (10) days of the receipt of such certificate and the City Manager shall within ten (10) days thereafter again certify the petition as satisfactory or insufficient.

E. If the amended petition is again certified as insufficient, the Petitioners' Committee may again file a corrected petition or may request Council review.

F. If neither action is taken by the Petitioners' Committee within ten (10) days, the City Manager shall certify the petition as insufficient and no further action on the petition shall be taken.

10.9. Review of Insufficiency by Council.

If a corrected petition is certified insufficient and the petitioner does not file an amendment, or if the amended petition is judged insufficient, the Petitioners' Committee may, within ten (10) days after receiving the City Manager's certificate, file with the City Manager a request for Council review. The Council shall review the certificate at its next Council meeting and rule on the sufficiency. Council action ruling the petition as satisfactory or deficient will constitute the final determination as to the sufficiency of the petition. An appeal from the final determination of Council shall be to the Court of Common Pleas and must be filed within ten (10) days of Council's official ruling.

10.10. Reconsideration by Council.

When the initiative petition has been judged sufficient either by Council or by the Court of Common Pleas, the Council shall consider the proposed ordinance for enactment or existing ordinance for repeal at the next Council meeting.

10.11. Submission to Election Office.

If the Council fails to take action sought by the initiative petition within sixty (60) days after the petition has been judged sufficient, the Petitioners' Committee may submit a petition containing the ordinance involved and copies of all documentation to the Beaver County Election Bureau for referendum action by the voters of the City of Beaver Falls at the next City primary or general election to occur no less than ninety (90) days from the filing of the petition with the Election Bureau.

10.12. Results of Election.

If a majority of the qualified electors voting on the referendum question vote in favor of the proposed initiative ordinance, the ordinance shall be considered adopted upon certification of the election results by the Election Bureau and shall be treated in all respects in the same manner as ordinances adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail in the area of conflict.

10.13. No Repeal Within Two Years.

Any ordinance originally proposed by initiative, whether enacted by Council or adopted by referendum, cannot be repealed or amended within two (2) years of its effective date except by a

vote of the electors. If a proposed ordinance fails to receive enough votes on a ballot question, it is precluded from being reintroduced for two (2) years after it appears as a ballot question.

10.14. Number of Proposed Ordinances to be Submitted.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this Charter.

ARTICLE 11. TRANSITION

11.1. Rights, Property, Contracts, Liabilities, and Obligations of the City.

The City shall continue to own, possess, exercise and/or control all rights, property, and franchises of every kind or nature, owned, possessed, exercised and/or controlled by it when this Charter takes effect under the same conditions that applied at such time, and shall be subject to all debts, obligations, contracts and liabilities to which it was subject at the time this Charter takes effect, under the same conditions that applied at such time. The same shall include any judicial orders or determinations and binding arbitration rulings.

11.2. Effective Date of Charter.

If approved by referendum at the primary election to be held on November 2, 2021, this Charter shall take effect on the first day of January 2022, and the following transition provisions in this Article shall apply.

11.3. Elected Officials.

A. The Mayor elected to office in the general election held on November 2, 2021, shall commence the powers and duties of that office under this Charter beginning the first Monday of January in 2022 at which time the powers and duties of the Mayor under the Third Class City Code shall cease.

B. The two (2) incumbent Council Members whose terms expire at the end of 2024 shall continue to serve their full unexpired terms on Council after this Charter takes effect and shall commence the powers and duties of that office under this Charter beginning the first Monday of January in 2022 at which time the powers and duties of the Council members under the Third Class City Code shall cease.

C. The Two (2) Council Members elected to office in the general election held on November 2, 2021 shall commence the powers and duties of their offices under this Charter beginning the first Monday of January 2022 and shall serve their full four (4) year terms.

D. All terms of Council Members shall continue to be four years in length.

E. The City Controller and City Treasurer shall continue to hold their offices until this Home Rule Charter takes effect on the first day of January 2022 after which time the duties and responsibilities of said positions are reassigned by the Charter and shall be set forth in greater detail in the Administrative Code.

Vacancies occurring prior to the first Monday of January 2022 in any office that is not provided for as an elective office by this Charter shall not be filled.

11.4. Appointed Administrative Officers and Employees.

Except as specifically provided by this Charter, at the time this Charter takes effect, all City administrative officers or employees holding any office or position prior to January 2022 shall continue in such office or position unless that office or position is eliminated under the adopted Administrative Code. This Charter does not intend to confer to any at will employee any property rights to their employment with the City.

A. On and after January 1, 2022 the current City Manager shall continue to serve as the City Manager at the pleasure of Council and pursuant to the provisions of this Charter.
B. On or after January 1, 2022, the Council shall appoint a qualified Chief Financial Officer pursuant to the provisions of this Charter.
C. Any appointed officer or employee holding a City position on January 1, 2022 shall be subject to the personnel provisions provided for in the Charter, the Administrative Code, and Personnel Ordinance upon its adoption by Council.

11.5. Prior Legislative Acts.

All City ordinances, resolutions, rules, and regulations of a legislative nature, or portions thereof, in force when this Charter takes effect, and not in conflict with this Charter, shall remain and continue in force as if enacted under this Charter until they either expire by their own terms, or are amended or specifically repealed, either in whole or in part pursuant to this Charter.

11.6. Transition Committee.

In order to promote an orderly transition to the new form of government provided by this Charter, and to ensure that all necessary action is taken to assure this Charter is fully operational on its effective date, the Council shall, within thirty (30) days after certification of the adoption of this Charter, appoint a Transition Committee comprised of:

A. Two (2) Council Members

B. Two (2) Members of the Government Study Commission,

C. The City Manager,

D. Up to two (2) residents of the City that the Council shall select.

E. City Department Heads shall act in an advisory role to the Committee.

The Transition Committee shall be charged with drafting the Administrative Code of the City, rules and regulations, ordinances, and resolutions necessary for the effective implementation of this Charter and the proper continuation of the governmental affairs of the City.

The Transition Committee shall have six months from the date that it is appointed by Council to complete its work. Once the documents are drafted, they will be forwarded to the City Solicitor for final review. Thirty (30) days after the Administrative Code, ordinances, and resolutions are drafted, the Transition Committee members shall submit draft documents to Council and meet to

discuss, review, and complete the necessary ordinances and other actions appropriate to implement the provisions of this Charter.

11.7. Employee Compensation and Rights.

Current compensation, fringe benefits, and general employee rights and privileges of existing employees shall not be affected by adoption and effectuation of this Charter.

11.8. Charter Review

Commencing ten (10) years after the City's transition to governance under the Home Rule Charter, Council shall establish a seven (7) member Charter Review Committee to review the Charter and to recommend any necessary amendments. Amendments to the Charter shall be made pursuant to the laws of the Commonwealth governing home rule charters as presently enacted or hereafter amended. Thereafter, the Council shall establish a comparable committee to review and recommend amendments, as necessary, to the charter every ten (10) years.