

# **Home Rule Charter**

## **Edinboro Borough**

### **Table of Contents**

#### **Article I**

##### **Name and Boundaries**

- §101. Name
- §102. Boundaries

#### **Article II**

##### **Powers of the Borough**

- §201. Powers
- §202. Construction
- §203. Residual Powers in the Borough Council

#### **Article III**

##### **Guarantees of Nondiscrimination**

- §301. Guarantees of Nondiscrimination

#### **Article IV**

##### **Borough Council**

- §401. Composition
- §402. Qualifications
- §403. Terms
- §404. Election
- §405. Election Procedure
- §406. Salary
- §407. Vacancies
- §408. Filling of Vacancies
- §409. Oath of Office

#### **Article V**

##### **Borough Council; Powers, Duties, Limitations and Legislation**

- §501. Powers
- §502. Duties
- §503. Limitations
- §504. Legislation

#### **Article VI**

## **Operations and Proceedings of Borough Council**

- §601. Organization
- §602. Meetings; Regular, Adjourned and Special
- §603. Quorum
- §604. Majority Action
- §605. Form of Action by Council
- §606. Conduct of Meetings
- §607. Minutes and Records of Meetings
- §608. Citizens' Right to Be Heard
- §609. Councilmanic Inquiries and Investigations
- §610. Enactment of Ordinances
- §611. Publication of Notice of Enactment of Ordinances
- §612. Recording of Ordinances
- §613. Availability of Ordinances
- §614. Ordinances Requiring Prior Public Notice
- §615. Codification of Ordinances
- §616. Penalty for Ordinance Violations
- §617. Publication and Effective Date of Ordinance

### **Article VII The Mayor**

- §701. Duties of the Mayor
- §702. Limitations

### **Article VIII Borough Manager**

- §801. Appointment, Qualification and Compensation
- §802. Removal of Manager
- §803. Powers and Duties of the Borough Manager
- §804. Acting Borough Manager

### **Article IX Budget and Fiscal Matters**

- §901. Fiscal Year
- §902. Tax Levy
- §903. Submission of Budget and Budget Messages
- §904. Budget Message
- §905. Budget Document
- §906. Capital Program
- §907. Notice and Hearing
- §908. Council Action on the Budget
- §909. Public Records
- §910. Amendments During the Fiscal Year
- §911. Lapse of Appropriations
- §912. Independent Audit
- §913. Fidelity Bonds

**Article X**  
**Transition and Continuation**

- §1001. Rights and Liabilities of the Borough
- §1002. Authority of Existing Elected Borough Officers
- §1003. Continuance of Office or Employment of Borough Administrative Officers and Employees
- §1004. Employee Rights and Privileges
- §1005. Members of Authorities, Boards and Commissions
- §1006. Transfer of Powers of Departments, Offices and Agencies
- §1007. Continuation of Ordinances, Resolutions and Regulations

**Article XI**  
**General Provisions**

- §1101. Statement of Personal Financial Interest
- §1102. Charter Amendment
- §1103. Severability
- §1104. Effective Date



**Article I****Name and Boundaries****§101. Name.**

The Borough of Edinboro shall continue to be a municipal corporation under its present name, "Borough of Edinboro." As used in this Charter, the word "Borough" shall mean the Borough of Edinboro in Erie County, Pennsylvania.

*(Charter, 5/21/1974, §101)*

**§102. Boundaries.**

The boundaries of the Borough shall be the actual boundaries of the Borough at the time this Charter takes effect and as they may be lawfully changed thereafter.

*(Charter, 5/21/1974, §102)*



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**Article II****Powers of the Borough****§201. Powers.**

The Borough has, and may exercise, any power, and may perform any function not denied by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time.

*(Charter, 5/21/1974, §201)*

**§202. Construction.**

The powers of the Borough under this Charter shall be construed broadly in favor of the Borough, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article. All possible powers of the Borough, except as limited in §201 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the Borough or may hereafter from time to time become available.

*(Charter, 5/21/1974, §202)*

**§203. Residual Powers in the Borough Council.**

All powers of the Borough, including any such power which may hereafter be conferred on the Borough 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 Borough Council. The Council shall be elected, shall organize, and shall function as provided by this Charter.

*(Charter, 5/21/1974, §203)*



**Article III****Guarantees of Nondiscrimination****§301. Guarantees of Nondiscrimination.**

The Borough 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, sex or national origin.

*(Charter, 5/21/1974, §301)*



**Article IV****Borough Council****§401. Composition.**

There shall be a Borough Council of seven members elected by the qualified voters of the Borough at large.

*(Charter, 5/21/1974, §401)*

**§402. Qualifications.**

A councilman shall be a citizen of the United States, shall have been a resident of the Borough for at least 1 year prior to the date of his or her election, and shall be a registered elector of the Borough.

*(Charter, 5/21/1974, §402)*

**§403. Terms.**

Councilmen shall be elected to serve staggered 4-year terms. At each regular municipal election, councilmen shall be elected to fill the position of those whose terms expire.

*(Charter, 5/21/1974, §403)*

**§404. Election.**

The regular election of councilmen shall be held on the regular municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania, commencing in the year 1975. At the first election under this Charter three members of the Council shall be elected. At the subsequent municipal election four members will be elected. This alternation of members elected shall continue for the life of this Charter.

*(Charter, 5/21/1974, §404)*

**§405. Election Procedure.**

The procedure for nomination and election of councilmen shall be established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

*(Charter, 5/21/1974, §405)*

**§406. Salary.**

Each councilman shall receive a salary at the rate equal to the amount for councilmen in effect at the time of the implementation of this Charter or such other sum as the Council shall from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective for at least 4 years after the effective date of this Charter. No such increase in salary, however, shall become effective until the date of commencement of the terms of councilmen elected at the next regular election after such salary increases, provided that such election follows the adoption of such ordinance by at least 6 months. Councilmen shall receive no other compensation, direct

or indirect, for the performance of their duties; they shall receive no pensions, insurance or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties.

*(Charter, 5/21/1974, §406)*

**§407. Vacancies.**

The office of councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of his office, or for death or for failure to assume such office after election thereto within 45 days after the commencement of the term thereof. A councilman shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law or is convicted of a felony or is absent from three consecutive regular meetings of the Council without being excused by the Council. In the case of failure of attendance, the Council shall declare such office vacant at least 10 days before the same shall be filled by appointment.

*(Charter, 5/21/1974, §407)*

**§408. Filling of Vacancies.**

If a vacancy shall occur in the office of councilman for any reason set forth in this Charter, the remaining members of the Council shall fill such vacancy by appointing a person qualified under this Charter to hold such office for the unexpired term provided that such unexpired term shall not exceed 2 years. If a vacancy occurs for an unexpired term longer than 2 years, Council shall appoint a person under this Charter to fill the vacancy only until the time of the next regular municipal election, at which time a person shall be elected to serve the remainder of the unexpired term. If the Council shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within 45 days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Council or of any five citizens of the Borough, fill the vacancy in such office by the appointment of a qualified resident of the Borough for the unexpired term of the office.

*(Charter, 5/21/1974, §408)*

**§409. Oath of Office.**

The councilmen, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge, district justice or notary public of the Commonwealth of Pennsylvania, and no person shall be permitted to assume such office until the oath, in written form, is filed with the Borough.

*(Charter, 5/21/1974, §409)*

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**Article V****Borough Council; Powers, Duties, Limitations and Legislation****§501. Powers.**

1. All legislative power of the Borough shall be vested in Council.
2. Council shall have the power to enact, amend or repeal all ordinances and resolutions not inconsistent with this Charter or with the laws of the Commonwealth of Pennsylvania.
3. Council shall have the power to create or abolish all boards, commissions, committees, departments, offices or agencies.
4. Council shall have the power to appoint and remove all members of boards, commissions and committees and any and all members of its legislative and legal staff.
5. Council shall have the power to receive and accept all gifts or donations or real and personal property or interest therein in the name of the Borough.
6. Council, as a body, or through a committee thereof, shall have the power to make inquiries and investigations into the affairs of the Borough and its government and into the conduct of any Borough department, office or agency, or any of the committees thereof.
7. Council shall have the power to hold public hearings on any matter. Notice of every such hearing shall be given in the manner determined by Council, and all interested persons shall have the opportunity to be heard.

*(Charter, 5/21/1974, §501)*

**§502. Duties.**

1. Council shall appoint a Borough Manager.
2. Council shall adopt an administrative code within 12 months after the adoption of this Charter, which establishes and defines the responsibilities of the Borough departments and agencies, as well as such procedures as it shall deem to be of basic importance in the operation of the Borough government. Council shall have the continuing authority thereafter, by amendment of the administrative code, to make changes in departmental and administrative organizations and procedures.
3. Council shall appoint the Borough Solicitor, who shall be an attorney at law or a firm of attorneys. The Solicitor, and any subordinates that he may be authorized to have in the Borough government, shall be directly under the supervision and control of the Borough Council.
4. Council shall adopt a personnel system which shall provide for the appointment, promotion and removal of all appointed officers and employees of the Borough. Such system shall provide, among other things, that all appointments and promotions of appointed Borough officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The nondiscrimination provisions of §301 of this Charter shall apply in any appointment or promotion, and political affiliation or beliefs shall not be a factor.
5. Council shall adopt procedures which shall provide for the purchasing of

products, goods and services, the making of contracts and the sale or lease of personal or real property of the Borough. Such procedures shall provide for negotiated contracts, competitive bidding, detailed bidding procedures, assurance of controls on aggregate spending, and safeguards against special interests.

6. Whenever a petition shall be presented to Council, signed by at least two percent of the number of registered voters at the time of the most recent municipal election, requesting that Council consider and take action on the subject matter thereof, it shall be the duty of the Council to place the subject matter of the petition on its agenda for a regular or special meeting taking place within 2 months after receipt of the petition. Prior notification of the time and place of such meeting shall be published in a newspaper of general circulation within the Borough. At such a meeting, Council shall consider and take action on such matter. Provided: The same subject shall not be presented to Council by petition pursuant to this Section more often than one time in any 2-year period. Provided, further: This Section is not intended to prevent any individual or group of individuals from petitioning Council in any other legal manner. (*Charter, 5/21/1974, §502*)

### **§503. Limitations.**

Council shall, in the conduct of its powers, be subject to the following limitations:

A. Individual Councilmen shall not exercise any power of Council unless such authority shall be specifically delegated by Council or by this Charter.

B. Except where authorized by law, no Councilman shall hold any other Borough office or Borough employment during his term of office. No Councilman shall resign his position to hold any compensated Borough office or employment nor shall he act as a paid consultant to the Borough concurrent with the term for which he was elected to the Council.

C. Neither Council nor any of its members shall in any manner dictate activities or the appointment or removal of any Borough officer or employee who is appointed by the Borough Manager; but Council or any of its members may express its views and discuss with the Manager anything pertaining to the activities or appointment or removal of any of his subordinates.

D. All Councilmen present at a Council meeting shall be required to vote on all issues and questions put to a vote of the Council, except as the restrictions of this Charter of Council ordinance may take effect. Any Councilman who shall have a special personal or financial interest in a matter before Council shall abstain from voting on the question.

(*Charter, 5/21/1974, §503*)

### **§504. Legislation.**

1. The following actions of the Borough Council shall be taken by ordinance:
  - A. Adoption of the Administrative Code, referred to in §502.2 of this Charter.
  - B. Adoption of the Personnel System, referred to in §502.4 of this Charter.
  - C. Adoption of procedures for purchasing of products, goods or services, for the making of contracts and for the sale or lease of personal or real property of the Borough, as referred to in §502.5 of this Charter.

D. Adoption of tax levies and authorization for service charges, fees and assessments.

E. Adoption of zoning ordinance.

F. Adoption of zoning map.

G. Establishing land subdivision regulations.

H. Providing for land development and land use regulations.

I. The setting of Councilmanic salaries.

J. The codification of Borough ordinances.

K. Authorization for the borrowing of money.

L. All other actions which are legislative in nature, which affect or regulate the conduct of the public, which create or establish any long-term permanent physical change, right or privilege, or which amend or repeal any previously enacted ordinance.

2. Ordinances shall become effective following the carrying out of publication and recording requirements; however, a later date may apply when required by law or when specified in the ordinance.

*(Charter, 5/21/1974, §504)*



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**Article VI****Operations and Proceedings of Borough Council****§601. Organization.**

The Borough Council shall organize at 8 p.m. on the first Monday of January of each year, by electing one of their number as Mayor and one their number as Deputy Mayor, who shall hold offices at the pleasure of the Council. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Council may transact any further business it deems necessary or appropriate at the organization meeting.

*(Charter, 5/21/1974, §601)*

**§602. Meetings; Regular, Adjourned and Special.**

Council shall hold regular meetings at least once a month. Council may adjourn to a stated time for general business or for special business. 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 for a meeting and may continue to so agree until the meeting can be held with a quorum in attendance. Special meetings of Council may be called by the Mayor or upon written request of at least two members of Council. Members shall have at least 48 hours notice of such special meeting stating its purpose and the nature of business to be considered. Presence at a meeting constitutes waiver of notice.

*(Charter, 5/21/1974, §602)*

**§603. Quorum.**

A majority of the members of Council shall constitute a quorum. The Council shall conduct no business except in the presence of a quorum.

*(Charter, 5/21/1974, §603)*

**§604. Majority Action.**

No action of Council shall be official unless approved by four or more members, unless otherwise stated in this Charter.

*(Charter, 5/21/1974, §604)*

**§605. Form of Action by Council.**

Official actions of the Borough Council may be taken by ordinance, resolution, or motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of Council shall be by resolution or motion, unless otherwise required in this Charter, or in the rules of councilmanic procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each member of Council shall be entered in the minutes of the meeting. Any Councilman

may request a roll call vote on any action.

*(Charter, 5/21/1974, §605)*

**§606. Conduct of Meetings.**

Meetings of the Borough Council shall be open to the public and shall be conducted according to the rules of procedure that shall be adopted from time to time by the Council. Such rules shall be designed to assure full and equal participation in the deliberations of Council by all of its members.

*(Charter, 5/21/1974, §606)*

**§607. Minutes and Records of Meetings.**

Council shall make and preserve minutes and records of its proceedings. These records shall be open for public inspection in the Borough offices during regular business hours.

*(Charter, 5/21/1974, §607)*

**§608. Citizens' Right to Be Heard.**

The Council shall provide reasonable opportunity for interested citizens to address the Council on matter of general or special concern. This opportunity may be afforded the public either at the regular monthly Council meeting or at another regular monthly meeting specially set for this purpose.

*(Charter, 5/21/1974, §608)*

**§609. Councilmanic Inquiries and Investigations.**

In the conduct of inquiries and investigations, Council shall have authority to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of Council or of any committee thereof, and for that purpose may issue subpoenas, signed by the Mayor or the Chairman of the Committee, as the case may be and may cause the same to be served in any part of the Commonwealth of Pennsylvania. The Mayor or Committee Chairman, as the case may be, shall have the power to administer oaths to witnesses.

*(Charter, 5/21/1974, §609)*

**§610. Enactment of Ordinances.**

Action on ordinances shall be at a lawful meeting of Council and shall be by a majority vote of the members present. All ordinances shall contain the following enacting clause: "The Borough of Edinboro hereby ordains:" Ordinances shall be numbered consecutively. After enactment, the Presiding Officer shall sign the ordinance and direct the Borough Manager or his designee to affix the Borough Seal and insert the date of enactment. However, failure to sign or affix the official seal shall in no way invalidate an otherwise valid ordinance.

*(Charter, 5/21/1974, §610)*

**§611. Publication of Notice of Enactment of Ordinances.**

Notices of ordinances adopted by Council shall be published in one or more

newspapers of general circulation in the Borough within 10 days of enactment. Such notice shall state where the full text of the ordinance may be examined and copies obtained. Provided: In case of any ordinance which imposes or establishes penalties, except for ordinances adopting codes complete in themselves, as referred to in §612 of this Charter, the full text of the ordinance shall be published and the publication in the newspaper shall state where copies of the ordinance may be obtained. Provided further: In addition to the publication herein required after enactment of an ordinance, prior public notice of the intent to take action on a proposed may be made in any case at the discretion of the Council and shall be made: (a) where a provision of the laws of Pennsylvania shall require such advance publication, (b) in accordance with the procedure and requirements of §614 of this Charter.

In addition to public notice, in the case of any ordinance that would affect any identifiable specific piece of private property, notice shall be given to the owner thereof by certified mail.

*(Charter, 5/21/1974, §611)*

**§612. Recording of Ordinances.**

Within 7 days after the enactment of an ordinance, the Borough Manager will cause to be recorded in the Borough Ordinance Book, a verbatim copy of the ordinance, which shall contain a notation of the date of enactment and the date of publication and the name of the newspaper in which publication was made. Provided: It shall not be necessary to record in the Ordinance Book the full text of any ordinance where there is a specific provision in the laws of Pennsylvania permitting adoption and recording by reference, or in the case of any ordinance adopting, with or without amendment or modification, any building code, plumbing code or other code complete in itself, for the regulation of any trade, occupation or line of activity or undertaking, but the ordinance adopting the same shall be by reference indicating the Borough office where the complete code or ordinance shall be available. Provided, further: Whenever an ordinance shall be specifically amended or repealed, the Borough Secretary shall cause a notation to the effect to be made in the Ordinance Book at the location where the recording of such ordinance shall commence. Provided, further: Whenever any ordinance shall prescribe a condition to its becoming effective, in the nature of an acceptance by a party hereto, the meeting of such condition or the failure to meet the same shall likewise be noted at the appropriate place in the Ordinance Book.

*(Charter, 5/21/1974, §612)*

**§613. Availability of Ordinances.**

The Ordinance Book shall be open and available for public inspection during business hours in the Borough Building.

*(Charter, 5/21/1974, §613)*

**§614. Ordinances Requiring Prior Public Notice.**

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least 15 days public notice published in a newspaper circulation generally in the Borough:

- A. Zoning ordinance.

- B. Adoption of Zoning Map.
- C. Land subdivision regulations.
- D. Land development and land use regulations.
- E. Housing, building, plumbing and electrical codes.
- F. New taxes or increases in the rates of existing taxes. No prior notice shall be necessary for the re-enactment of taxes levied annually at the same rate.
- G. Ordinance setting councilmanic salaries.

*(Charter, 5/21/1974, §614)*

**§615. Codification of Ordinances.**

Within 3 years after adoption of this Charter and at least every 10 years thereafter, the Council shall provide for the preparation of general codification of all Borough 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 promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of Pennsylvania, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known as "The Edinboro Borough Code." Copies of the code shall be furnished to Borough officers, placed in libraries and public offices for free public reference and made available for purchase by the public at reasonable prices to be fixed by the Council.

*(Charter, 5/21/1974, §615)*

**§616. Penalty for Ordinance Violations.**

The penalty for the violation of any ordinance shall not exceed \$500 for each violation, or 30 days imprisonment in default of payment of fine. However, any ordinance may provide for continuing violations, and each day that a violation exists may be regarded as a separate offense and punishable as such. The limit of fines may be increased by the Council to the extent of the maximum fine that may be levied by any noncharter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

*(Charter, 5/21/1974, §616)*

**§617. Publication and Effective Date of Ordinance.**

Publication shall occur within 30 days of the enactment of the ordinance. The effective date of the ordinance shall be the published date unless a later date is specified in the ordinance, or required by the laws of the Commonwealth of Pennsylvania.

*(Charter, 5/21/1974, §617)*

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**Article VII****The Mayor****§701. Duties of the Mayor.**

The Mayor of the Borough shall exercise the following duties:

A. Shall be the Presiding Officer of the Borough Council.

B. Shall be the ceremonial head of the Borough Government, and he shall have the authority to represent the Borough in deliberations with other governmental bodies, except if at any time, at his discretion, the Mayor may delegate such authority to any other elected or appointed officer of the Borough, or if Council should decide that such authority should be exercised by some elected or appointed officer other than the Mayor.

C. Shall sign all ordinances subject to the limitations imposed by §610 of this Charter.

D. Shall call special meetings of the Borough Council in accordance with §602 of this Charter.

E. Shall sign subpoenas and administer oaths to witnesses in accordance with the procedures of §609 of this Charter.

F. Shall perform such other duties or acts as Council may decide.

*(Charter, 5/21/1974, §701)*

**§702. Limitations.**

The Mayor of the Borough shall have no administrative responsibilities.

*(Charter, 5/21/1974, §702)*



**Article VIII****Borough Manager****§801. Appointment, Qualification and Compensation.**

The Council shall appoint a Borough Manager for an indefinite term and shall fix his compensation. Council may enter into contracts with Managers, which may stipulate terms of employment and severance pay, subject to the limitations of §802. The Manager shall be appointed solely on the basis of executive and administrative qualifications. During his tenure as Borough Manager, he shall not hold any elective governmental office. He need not be a resident of the Borough at the time of his appointment, but may reside outside the Borough while in office with the approval of Council.

*(Charter, 5/21/1974, §801)*

**§802. Removal of Manager.**

Council, by an affirmative vote of a majority of its members, may remove the Manager at any time.

*(Charter, 5/21/1974, §802)*

**§803. Powers and Duties of the Borough Manager.**

The Manager shall be the chief executive and administrative officer of the Borough. He shall be responsible to the Council for the administration of all Borough affairs placed in his charge. He shall have the following powers and duties:

A. With the consent of the Council, the Manger shall appoint all department heads; such appointees shall serve at the pleasure of the Manager. The Manager shall appoint and may remove all other administrative personnel, subject to the limitations of the personnel system.

B. He, or an officer designated by him and approved by Council, shall collect and receive, account for, and deposit into the Borough treasury all taxes, fees, assessments, or charges that are levied or established by the Borough for general or specific purposes.

C. He, or a person designated by him, shall perform the duties of Secretary of the Borough in causing appropriate records to be made, preserved and certified, as required by law or other action of the Council. He shall attest the execution of all instruments and record all ordinances and he shall have custody of the Borough corporate seal.

D. He shall direct and supervise the administration of all departments, offices and agencies, except as otherwise provided by this Charter or by law.

E. He shall attend all Council meetings and shall have the right to take part in discussions, but shall not vote.

F. He shall prepare and submit the annual budget and capital expenditure program to the Council.

G. He shall submit to the Council and make available to the public a complete

report on the finances and administrative activities of the Borough as of the end of each fiscal year.

H. He shall make such other reports as the Council may require, concerning the operations of Borough departments, offices and agencies subject to his direction and supervision.

I. He shall have the duty to preserve order in the Borough and shall be responsible for the direction and supervision of the Police Department.

J. He shall have the duty to enforce the ordinances and regulations of the Borough.

K. He shall have the duty to sign such papers, contracts, obligations and documents that are properly presented to him as may be required by law.

L. He shall perform such other duties as are specified in this Charter or may be required by Council.

*(Charter, 5/21/1974, §803)*

**§804. Acting Borough Manager.**

The Manager may designate, in writing, an employee of the Borough to exercise the duties of Manager during his temporary absence or disability, subject to the approval of Council. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Borough to serve until the Manager shall return or his disability shall cease.

*(Charter, 5/21/1974, §804)*

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**Article IX****Budget and Fiscal Matters****§901. Fiscal Year.**

The fiscal year of the Borough shall begin on the first day of January and end on the last day of December of each year. The fiscal year may be changed by resolution of the Council, or shall be automatically changed when mandated by State Law.

When a change is made, Council shall determine the procedures and fiscal arrangements for the transition.

*(Charter, 5/21/1974, §901)*

**§902. Tax Levy.**

Council shall have the power to levy any taxes which are permitted by the Pennsylvania Constitution and authorized for Borough application by action of the General Assembly.

At the time the budget is adopted by Council, the required tax levies proposed in the budget are considered to be adopted or readopted unless a separate ordinance action is mandated by State law.

*(Charter, 5/21/1974, §902)*

**§903. Submission of Budget and Budget Messages.**

On or before the 15<sup>th</sup> day of November of each year the Manager shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message. The submission date and other subsequent dates affecting the budget may be changed by Council, when desirable, to provide for greater fiscal efficiency or when mandated by State law.

*(Charter, 5/21/1974, §903)*

**§904. Budget Message.**

The Manager's budget message shall explain the budget both in fiscal terms and in terms of programs, policies, activities and plans. It shall outline the proposed financial policies of the Borough for the ensuing year; describe the important features of the budget, indicate any major changes in financial policies, expenditures and revenues from the current year, together with the reasons for such changes; summarize the Borough's debt position and include such other material Council may request or as the Manager deems desirable.

*(Charter, 5/21/1974, §904)*

**§905. Budget Document.**

The budget document shall provide a complete financial plan of all Borough funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or as Council may require. The budget document shall provide that the budget submitted for each fund is balanced and

that the total of proposed expenditures shall not exceed the total of the estimated revenue.

(*Charter, 5/21/1974, §905*)

#### **§906. Capital Program.**

The Manager shall prepare and include as a separate section in the annual budget submitted to Council a capital program of capital expenditures of a nonrecurring and long-range nature, as the Manager shall deem desirable or as Council may require.

(*Charter, 5/21/1974, §906*)

#### **§907. Notice and Hearing.**

Council shall publish in one or more newspapers of general circulation in the Borough the general summary of the budget and a notice stating:

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

B. The time, place, and date, not less than fifteen (15) days after such publication, for a public hearing on the budget.

(*Charter, 5/21/1974, §907*)

#### **§908. Council Action on the Budget.**

1. *Amendment Before Adoption.* Following the public hearing, Council may adopt the budget with or without amendment. In amending the budget, Council may add or increase programs or amounts, except for expenditures required by law, or for debt service; or may reduce or delete programs or amounts provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenue.

2. *Adoption.* Council shall adopt the budget by resolution on or before the last day of the fiscal year currently ending.

3. *Appropriations.* Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the taxes therein proposed.

(*Charter, 5/21/1974, §908*)

#### **§909. Public Records.**

Copies of the budget, as adopted, and of the capital program plan shall be public record and shall be made available to the public at suitable places in the Borough as determined by Council.

(*Charter, 5/21/1974, §909*)

#### **§910. Amendments During the Fiscal Year.**

1. *Supplemental Appropriations.* If, during the fiscal year, there is evidence of a need for a supplemental appropriation and there is available unencumbered revenues in excess of those estimated in the budget, Council may, by resolution, make such supplemental appropriations for the year in an amount not to exceed such excess.

2. *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, Council may, during the year, by ordinance, make emergency appropriations.

3. *Reduction in Appropriations.* If, at any time during the fiscal year, it appears probable that the revenues available will be insufficient to meet the amounts appropriated, Council shall take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may, by resolution, reduce or eliminate one or more appropriations.

4. *Transfer of Appropriations.* At any time during the fiscal year the Manager may transfer part or all of any unencumbered balance appropriated for programs within a department, office, agency or other organizational level; and Council may, at any time during the fiscal year, by resolution, transfer part or all of any unencumbered balance appropriated to a department, office, agency or other organizational level to another. (Charter, 5/21/1974, §910)

#### **§911. Lapse of Appropriations.**

Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered and thereby shall be reflected in the cash balance estimated to be available at the commencement of the ensuing fiscal year.

(Charter, 5/21/1974, §911)

#### **§912. Independent Audit.**

Council shall provide for an independent annual audit of all Borough funds by a professional accountant or qualified outside auditor who has no personal interest, direct or indirect, in the fiscal affairs of the Borough government or any of its elected or appointed officials. Council may provide for more frequent audits, as well as special audits as it deems necessary. The auditor's report, together with the auditor's recommendations of the annual audit, and a complete financial statement of the fiscal affairs of the Borough, shall be presented to Council no later than the last day of the 4<sup>th</sup> month following the fiscal year being audited.

A summary of the financial statement and auditor's recommendations of the general audit shall be published in at least one newspaper of general circulation in the Borough following receipt of the auditor's report by Council.

(Charter, 5/21/1974, §912)

#### **§913. Fidelity Bonds.**

Before entering upon the duties of their respective offices or positions, the Borough Manager as well as any other officer, agent or employee of the Borough as the Council may determine, shall execute and file with the Borough corporate surety bonds, conditioned for the honest and faithful performance of their respective duties, in such sums as shall be fixed by the Council. All such bonds and sureties thereon, before being accepted by the Borough, shall be approved by the Borough Solicitor. The agency placing such bonds shall be determined by the Council and the premium therefore shall be paid by the Borough. Such bonds may provide for one or more additional obliges in the event that the officer bonded is acting in a dual or similar capacity with other

political subdivisions or governmental or quasi-governmental entities.  
(*Charter, 5/21/1974, §913*)

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**Article X****Transition and Continuation****§1001. Rights and Liabilities of the Borough.**

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

*(Charter, 5/21/1974, §1001)*

**§1002. Authority of Existing Elected Borough Officers.**

The Councilmen in office at the time this Charter becomes effective shall remain in office for the full terms for which they were originally elected. However, they shall have the responsibilities, duties, powers, compensation, and authority only as set forth in and in pursuance of this Charter. Vacancies thereafter occurring in any such office, if such office shall be provided for in this Charter, shall be filled in the same manner and for the time provided for by this Charter.

The incumbent elected Mayor, whose term expires in January 1978, shall represent the Borough as ceremonial head and perform such other functions as Council may prescribe. He shall assume no other administrative duties. Should the office of elected Mayor become vacant for any reason prior to January of 1978, the office of elected Mayor shall immediately be abolished and the office of Mayor filled as provided for in §601 of this Charter. During the unexpired term of the elected Mayor or until the office of elected Mayor becomes vacant, the Presiding Officer of Council shall continue to be called President of Council.

*(Charter, 5/21/1974, §1002)*

**§1003. Continuance of Office or Employment of Borough Administrative Officers and Employees.**

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

An employee holding a Borough position at the time this Charter takes full effect, who was serving in that same or 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 §502(4) of this Charter.

*(Charter, 5/21/1974, §1003)*

**§1004. Employee Rights and Privileges.**

Nothing in this Charter shall affect or impair any right or privilege possessed by or vested in any person who shall be a Borough employee at the time of adoption of this

Charter, and the adoption of this Charter shall in no way diminish or remove any such rights or privileges.

*(Charter, 5/21/1974, §1004)*

**§1005. Members of Authorities, Board and Commissions.**

Members of authorities, boards, and commissions in office at the time when this Charter takes effect shall remain in office for as long as their respective terms of appointment shall continue, unless and until an authority, board of commission shall be abolished, combined with another agency, or reconstituted, in which case, the members thereof shall vacate their respective offices upon notice from Council to do so.

*(Charter, 5/21/1974, §1005)*

**§1006. Transfer of Powers of Departments, Offices and Agencies.**

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

*(Charter, 5/21/1974, §1006)*

**§1007. Continuation of Ordinances, Resolutions and Regulations.**

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

Council shall have the power to amend, repeal or replace such enactments, pursuant to this Charter, or, when they deal with a matter outside the purview of this Charter, pursuant to the applicable enabling legislation.

All ordinances and resolutions or amendments thereof in continued effect as of the effective date of this Charter shall be construed as if enacted under this Charter, but as of the date of their original enactment or amendment, as the case may be.

*(Charter, 5/21/1974, §1007)*

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**Article XI****General Provisions****§1101. Statement of Personal Financial Interest.**

Any Borough officer or employee who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Borough or in the sale of any land, material, supplies or services to the Borough or to a contractor supplying the Borough shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a Borough officer or employee in the making of such sale or in the making or performance of such contract. Any Borough officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Borough shall render the contract or sale voidable by the Borough Manager or the Borough Council.

*(Charter, 5/21/1974, §1101)*

**§1102. Charter Amendment.**

Amendments to this Charter may be framed and proposed in the manner provided by law, that is Pennsylvania Act 62 of 1972, known as "Home Rule Charter and Optional Plans Law," or by any amendment to or revision of Pennsylvania Act 62.

*(Charter, 5/21/1974, §1102)*

**§1103. Severability.**

If any provision of this Charter shall be held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of this Charter, it being the intent of the electors of the Borough of Edinboro that the remaining provisions of this Charter be given full force and effect as completely as if such invalid provision had not been included herein.

*(Charter, 5/21/1974, §1103)*

**§1104. Effective Date.**

This Charter shall become effective on the first Monday of January 1976, and the Borough government shall operate under the terms and provisions of the Charter from and after the said effective date.

*(Charter, 5/21/1974, §1104)*

