

**THE PROPOSED HOME RULE CHARTER
REPORT OF**

PART I

**The Government Study Commission of
Borough of Bellevue, Pennsylvania**

HOME RULE

REPORT

TO THE CITIZENS OF THE BOROUGH OF BELLEVUE OF THE
PROPOSED HOME RULE CHARTER

Since November 7, 1972, the Bellevue Government Study Commission has carefully studied and made serious deliberations concerning the present Borough Government. This report and proposed Home Rule Charter is the product of the overwhelming mandate this Commission received to study home rule eighteen months ago.

We are grateful, as private citizens, for having been elected to this Commission and thus afforded the opportunity to thoroughly review the powers and operations of our local government and then to be allowed the opportunity to offer suggestions to make it better. We are especially grateful for the cooperation and help provided us by the Borough Council, the Borough Secretary, other Borough Personnel, the Pennsylvania Department of Community Affairs and the hundreds of Bellevue citizens who volunteered their time and talents to our study.

This report submitted to the people of Bellevue, may become an historic document. If the Home Rule Charter contained within this report is adopted in November, it will allow Bellevue to exercise full powers of local selfgovernment for the first time ever. While such an opportunity will be a challenge, we believe home rule to be both necessary and desirable and thus urge all Bellevue citizens to thoroughly review the contents of this report. Furthermore we strongly recommend the adoption of the enclosed Home Rule Charter next November 5, 1974 as the new constitution for Bellevue.

Respectfully submitted.

0h-CV.

William B. Huff
James A. Kavanaugh, Rod Paul

I. HOME RULE: AN OVERVIEW

On April 4, 1972, the General Assembly passed what may be for Pennsylvania municipalities the single most significant statute ever enacted in the history of the Commonwealth. Known as the "Home Rule and Optional Plans Law", the Act (No. 62 of 1972) grants to every municipality in the state the capability to organize itself in order to meet the complex demands confronting local communities such as Bellevue. But the importance of this Act, and also the importance of this commission's work, can only be seen after briefly reviewing the traditional relationship between municipalities and the state legislature.

Our federal constitution makes no mention of local governments; it is silent on their legal status, powers, and organization. So, since supervision was not delegated to the federal government, the control over the organization and powers of municipalities has been reserved to the state. The most classic statement of this one-sided relationship has become known as "Dillon's Rule". Taken from an 1863 Iowa court case, the opinion rendered by Judge Dillon in that case indicated that municipal corporations are "the mere tenants at the will of the legislature".

The above philosophy has shaped the relationship of every state legislature and its municipalities and Pennsylvania has been no exception. With a few variations, the organization and powers of municipalities are determined by the General Assembly. The basic legislation is found in codes for various classifications of municipalities: for Bellevue it is contained in a Borough Code; for Allegheny County it is in a County Code. Perhaps the clearest definition of just what the relationship is in Pennsylvania was set down in a state publication in 1967: "For the legislative bodies of local governments, the scope of functions and responsibilities is broad. But it must be remembered that whatever is done by local governments must be specifically authorized by the state; local governments are creatures of the state".

Now, home rule for municipalities is essentially designed to change the nature of this relationship. Rather than being "creatures of the state" home rule municipalities are granted the capability to determine for themselves what formal organization and powers they will have. Act 62 is a direct result of a 1968 amendment to the state constitution which provided that "municipalities shall have the right and power to adopt home rule charters. . . optional forms of government as provided by law". The Home Rule and Optional Plans Law implements in detail the mandate of the constitutional amendments and the procedures for carrying out its intent.

The law provides that "all grants of municipal power to municipalities governed by a Home Rule Charter under this Act. . . shall be liberally construed in favor of the municipality". While home rule municipalities will still be limited by general state laws in areas such as the fixing of subjects of taxation, conduct of elections, and regulation of public education, among others, the act nonetheless provides all municipalities with the potential' for a level of flexibility unknown in the state's history. In effect, a community is given authority to prepare, adopt, and be governed by its own local constitution, called a Charter. If Bellevue adopts the proposed Home Rule Charter, this Charter will replace the Borough Code as the basic law of the Borough.

Act 62 also sets up in detail the procedures for carrying out the intent of the constitutional amendments.

Bellevue has followed the initial procedures. In July, 1972 Bellevue's governing body, the Borough Council, passed an ordinance, in accordance with Act 62, which placed on the ballot the question of whether a study commission should be elected to

study home rule and optional plans. (The law, as mentioned, made provision for either one to be studied individually, or both together. The Borough Council, to its credit, opted to study both and thus insured maximum flexibility.)

On November 7, 1972, an election was held which allowed a commission to be elected to study this question. Thirty-two citizens ran for the eleven positions on the study commission. The vote on the question was overwhelmingly affirmative, and on November 27, 1972, the election of the top eleven candidates was certified and the group was designated the Bellevue Government Study Commission. It was charged with comparing the municipality's government with other forms available under law; in addition it had the duty to judge whether or not the government could be strengthened and made more clearly responsible or accountable to the people, or whether its operation could become more economical or efficient under a changed form of government.

II. ORGANIZATION AND ACTIVITIES OF THE COMMISSION

The Commission held its organizational meeting December 6, 1972. At that meeting, the Commission elected a Chairman, Mr. Daniel Penrod; a Vice-Chairman, Mr. Joseph Bonistalli; a Secretary, Mr. Douglas Stanton and a Treasurer, Mr. James Porch. The Commission also established a meeting schedule. Initially, meetings were scheduled on alternate Sundays. In February, 1973, weekly meetings were instituted on Sunday afternoon and supplemented later by informal Wednesday night discussion sessions. By the Autumn of 1973, the Commission was meeting twice a week. All meetings were open to the public.

Early in 1973, the Commission hired administrative and secretarial help and retained a solicitor, Mr. Harvey Sloan, to provide legal advice. At the same time, Commissioners individually interviewed elected officials of the Borough to obtain basic information on the operation of Bellevue's government. A special committee was appointed to assemble a collection of books and pamphlets concerning home rule and local government. These reference materials were placed on file at Bayne Memorial Library and made available to the public.

The Commission then began a thorough review of the structure, operation and powers of the present Borough government. To accomplish this task, members organized themselves into five research committees. The Borough Council and Executive Committee, a committee-of-the-whole, conducted a study of the operations of the Council, the Mayor and the office of the Executive Secretary. The Administration and Finance Committee analyzed the functions and procedures of the administrative departments of the Borough including the Tax Collector, the Auditors, the Treasurer, the Planning Commission, the Zoning Hearing Board, the Civil Service Commission, the Solicitor, the Census Enumerator and the Engineer. The Service Committee examined the operations and organization of departments providing municipal services including the Police, Fire, Health, Public Works, Joint Recreation Committee and the Bayne Memorial Library. The Legal Affairs Committee produced documents outlining the present legal powers and limitations under which the Borough operates. Lastly, the Borough Needs Committee conducted a survey among Bellevue citizens to obtain their reactions and recommendations concerning their local government and collected statistics on the nature of the population and resources of the Borough.

These committees produced research reports on the existing form of government and the social and legal structure in which it operates as well as alternative forms of comparable governmental performances elsewhere and model optional forms. After the Commissioners had an opportunity to read these reports, the committee discussed their

contents with the Commission-as-a-whole. These discussions were often attended by Borough officials and citizens with a professional background in the area being considered who provided the Commission with the benefits of their expertise. The reports were then amended to answer questions that had arisen and to outline specific recommendations for improvements where appropriate.

In addition, the Commission held a public hearing on May 3, 1972 at which organizations and individual citizens contributed their own judgments for the Commission's consideration.

After eight months of research, the Commission evaluated the information gathered and concluded, by a unanimous vote, the interest of the citizens of Bellevue would be *best served* by the enactment of a Home Rule Charter tailored to the Borough's unique needs and circumstances.

Having decided to adopt a Charter, the Commission then faced the task of writing it. A steering committee was appointed to devise the framework for the commission's deliberations on the contents of the Charter and to identify topics that could be included in such a document. In two weeks that committee returned with an outline dividing all proper municipal functions into three (3) broad categories: Legislative, Executive and Administrative. Three new committees were formed and assigned to draft articles defining the functions of each of these branches of Borough government. They submitted proposals to the whole commission for debate and approval. As agreement was reached on the substance of each proposal, the completed sections were sent to the commission's Solicitor to be reviewed for legal effect and proper construction and returned for final approval.

On March 27 and 28, 1974, the Bellevue Government Study Commission presented a first draft of the Home Rule Charter to interested citizens for review and comments. The Commission reviewed the testimony received and revised this first draft. On April 30, 1974, the Commission submitted this final report and enclosed final draft of the Charter to the Borough Secretary and to the Pennsylvania Department of Community Affairs.

III. SUMMARY OF PRESENT FORM OF GOVERNMENT

Bellevue, a community northwest of Pittsburgh, occupies approximately one square mile and has a population of about 13,000. The governing body of the Borough is an elected council. They are assisted by other officials such as the solicitor, engineer, secretary, tax collector, treasurer, constables, chief of police, fire chief, auditor, health officer, planning board, and zoning commission. Some of these are elected: the tax collector, the constables, and the auditors. Most of the others are appointed by the Borough Council. Nine (9) Councilmen are elected for four-year overlapping terms. The Mayor is also elected for a four-year term, and his official functions are to enforce the ordinances of the Borough and to be general supervisor of the police department. The Borough is divided into three wards, with three councilman elected from each ward. The powers of the Council are broad and extensive, covering virtually the whole range of municipal functions. To conduct the business of the Borough, the council is divided into four committees: Finance, Public Safety, Public Works, and Recreation. Their decisions are framed in the form of ordinances and resolutions. Although these committees generally supervise the day-to-day operation of the Borough on a part-time basis, the council may, as it deems necessary, delegate certain responsibilities to the Borough secretary and other employees. The decisions of the council, to be effective, must be passed by a majority of the members voting and signed by the Mayor. The Mayor may veto any action of council; but a 2/3 majority of council can override it. Within the limits of the law, the Mayor and councilmen receive modest salaries. The organization, functions, and practices of the Borough government are contained in the Borough Code enacted by the General Assembly,

IV. SUMMARY OF THE PROPOSED HOME RULE CHARTER

While the proposed Home Rule Charter makes minor changes in the existing government hopefully to make it more efficient and responsive, the Charter retains most of the organization and procedures in effect while the Borough has been operating under the Borough Code.

COUNCIL The Borough Council will remain as the chief legislative and administrative body. It will be composed of nine (9) councilmen, three (3) elected from each of three (3) wards. Councilmen will receive a salary, but no fringe benefits. All official business must be held in public session and where time permits, all official meetings must be given prior public notice.

MAYOR The Mayor continues to be elected for a four (4) year term, however his role has changed. Under the present system, the Mayor enforces ordinances of the Borough, supervises the Police Department and has the power to veto the ordinances of council. In addition to these duties, the Charter proposes to give the Mayor additional functions to perform as an executive and a leader of the community. He is charged with keeping Council informed of any circumstances requiring legislative or any other official action. He is permitted to form citizens committees to study Borough problems. The Mayor may attend Council meetings and deliberate in their discussions, may veto any ordinance but does not have a vote in Council except in the case of a tie. The Mayor is also an ex-officio member of all Borough Boards and Commissions.

The Mayor is also required to submit a message with the proposed annual budget. This statement should explain the budget in fiscal terms and in terms of programs, policies, activities, and plans. Since the budget is the major policy statement in the municipal year, the Mayor as Borough Executive should have a major role in its formation.

The Mayor in his new role under the proposed Charter can provide executive leadership and through his tie with Council and formation of the Budget, will have a voice in forming policy.

DIRECTOR OF ADMINISTRATIVE SERVICES (DAS) Although his name is changed, the present Borough Secretary's duties remain essentially the same. Council or its committees will continue to be the general supervisor of the operations of the administrative departments except the police through the office of the DAS. The DAS is appointed by Council for an indefinite period on the basis of his executive and administrative qualifications.

BUDGET The Budget procedures remain essentially unchanged. As stated earlier because the budget is such an important policy statement in the Borough, the Charter in Article XVII provides considerable detail on the way in which the Budget must be prepared and adopted. The Council, the Mayor and the Director of Administrative Services are all involved in developing the budget. The Mayor submits along with the proposed budget a message which will outline the budgets- major components. The Council and the DAS will assist the Mayor in drawing up the budget. The Council is responsible to study the budget, to hold at least one public hearing before its adoption and then amend and adopt it in final form.

PERSONNEL Presently under the Borough Code, only police and fireman are required to be hired on the basis of merit. The proposed charter requires Council to adopt a personnel system based on merit principles. Procedures for appointment and removal as well as grievances must be spelled out for all Borough employees in a personnel ordinance.

CITIZENS PARTICIPATION As charged by Act 62, the Bellevue Government Study Commission paid special attention to the problems of public apathy, the means to encourage citizens involvement and the areas where the public wants to be-involved with municipal affairs.

1. **SPECIAL ELECTION** The commission believed the present method of filling vacancies by appointment unresponsive. The Charter proposes that if a vacancy occurs in the first eighteen months of any elected official's term, it will be temporarily filled by a Council appointment until the next municipal election. At that election, the seat will be filled by a qualified voter for the remainder of the term.

2. **PUBLIC MEETINGS** All official meetings of Council, whether regular, special or adjourned must be opened to the public. Where time permits, public notice must be given of all meetings.

CITIZENS RIGHT TO BE HEARD The Bellevue Government Study Commission recognizes that former Councils have been receptive to citizens ideas. To insure action by Council on citizens interests, the Charter provides an initiative procedure which requires Council to act upon a given subject within two (2) months after the receipt of a

petition signed by registered voters comprising at least 2% of the number voting in the most recent municipal election. The Charter does not require that Council's action necessarily be in accord with the wishes of the petitioners and, to prevent a campaign of harassment, the same subject may not be presented under this procedure oftener than once in any two (2) years. Of course, any citizen or group of citizens has the right to petition for or request action by Council without going through the limited initiative procedure.

4. NOTICE OF ORDINANCES Under the proposed Charter, a general summary of all ordinances approved by Council must be published in a newspaper circulating generally within the Borough. All ordinances must be recorded in an official ordinance book. This book shall be made available for public inspection. Prior public notice is required for certain ordinances before Council acts upon them.

3. HIRING NOTICE Except in an emergency, all Borough job openings must be advertised in the local paper at least ten (10) days before they are filled.

PLANNING AND ZONING Many people who spoke to the Commission throughout our study discussed the great need for planning within the Borough for future residential and commercial development. With this concern in mind, the Charter mandates that a planning commission be chosen by Council in 1976. This commission will develop a Comprehensive Plan which will provide a projection of expected demographic, environmental and economic developments within the Borough for the next 25 years. The Commission will submit this proposal to Council no later than January 1, 1978. The Council will review it, hold at least one (1) public hearing on its contents, amend it as it sees fit and then adopt it as an ordinance.

The Charter further specifies that at least every five (5) years, the Planning Commission review the Comprehensive Plan and suggest changes in it to meet with future needs of the community.

V. WHY HOME RULE

The Bellevue Government Study Commission proposes the following Home Rule Charter as the basic framework for Bellevue Borough Government. It is our unanimous opinion that this Charter will make our local government more efficient, economical and most importantly more responsive to the needs of Bellevue citizens.

The Commission does not propose this Charter as a panacea for Bellevue's present or future problems. Rather we recognize that the best way to insure good government is to elect good, honest men and women to office. However, even good leaders in office can be handicapped or frustrated in their endeavors to provide better government by a stifling, overly-detailed and out-of-date municipal code. Furthermore, a good Home Rule Charter can require a certain, minimum standard for honest, efficient performance from all public officials. Good people are reluctant to accept office in a cumbersome system and are attracted to one which is well organized, effective and meets the needs of the people it serves. The Bellevue Government Study Commission believes the proposed Charter will encourage good government in the Borough, both now and in the future.

This Charter will allow Bellevue officials greater flexibility to respond to our local needs and allow us to develop our own ways of dealing with local problems. No longer will our leaders have to look to Harrisburg for permission. Although under the proposed Charter we will still be subject to the jurisdiction of the Constitutions of the United States and the Commonwealth of Pennsylvania and general state law, most of the responsibility for matters of local concern will be given to the Borough's own government.

More importantly, the Charter encourages citizen's participation in local government and provides safeguards for responsiveness of local officials to the citizenry.

The fundamental issue that each Bellevue resident must confront next November, when the Charter will be subject to public referendum, is whether the people of Bellevue and its elected officials know better how to run their government than the General Assembly in Harrisburg. The Study Commission believes Bellevue can govern itself. Therefore, we strongly urge you to read this Charter and vote "YES" on November 5, 1974 for Home Rule.

RECOMMENDATIONS

1. Following the statutory requirements of Act 62, the Bellevue Government Study Commission submits to the qualified voters of Bellevue the question of adopting the enclosed Home Rule Charter to be effective January 1, 1976.

At the Municipal election in November, 1974, the following question will be on the ballot for consideration by the voters of Bellevue:

"Shall the Home Rule Charter contained in the report, dated April 30, 1973 of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Borough of Bellevue?"
--

Yes

2. If the Home Rule Charter is adopted, the Borough Council should appoint a committee early in 1975 to begin drafting an Administrative Code. The Administrative Code would not be binding on the Council until adopted as an ordinance, but would be valuable help in the transition period.

Expenses incurred and paid during the term of the Bellevue Home Rule Study Commission

April 24, 1974

Executive Director Compensation.	\$ 4,625.00
Executive Director telephone expense incurred for Commission business (use of home telephone).	644. 10
Telephone and travel expense incurred by the Commissioners.	100.48
Advertising: Pittsburgh Press, City and Suburban Life and W. J. Kodak Signs for Clerical help and open meetings.	149.29
Allegheny Community College for student help for research work on local governments.	436.66
Copy Boy for printing of first draft of Charter.	505.40
Office supplies (John Richer and Alexander Penn Supply).	133.40
Mimeograph work by Northgate School District for Charter survey information.	56. 55
Office equipment and tapes from Allegheny Typewriter, I. B. M. , and Radio Shack for Commission office work. '	134. 47
Petty cash for stamps and miscellaneous office supplies.	400.00
Clerical help for Commission office work.	2,113.00
Legal fees.	2,900. 00
Kelly Girl Services clerical help to type Charter.	304.00
International and National Municipal League and Interstate Urban Policy. (Charter Materials for Reference) TOTAL	\$13,637.484
Printing of final Charter: John Richer Duplicating Service.	<u>1,040. 00</u>

I, Dan F. Penrod, Chairman, Douglas R. Stanton, Secretary, Joseph W. Bonistalli, Vice Chairman, James M. Porch, Treasurer, James S. Buente, Roger B. Campbell, Earl S. Ceh, William B. Guffey, Jr., G. F. Groff, Jr., James A. Kavanagh, Jr. , and Paul Brandimarti, being all the Members of the Government Study Commission of the Borough of Bellevue, being duly sworn according to law, depose and swear that to the best of our knowledge, information and belief, the financial report of the expenses of an^ services rendered to the Government Study Commission is true and correct.

Dan F. Penrod, Chairman

Douglas Iv Stanton, Secretary "

to.
 /forre^ n W. Bonistalli, Vice Chairjmjm

James M. Porch
 James M. Porch, Treasurer

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 James A. Kavanagh, Jr. / O

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Sworn and Subscribed before me this day of

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PROPOSED HOME RULE CHARTER

PART II

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PREAMBLE

We, the Citizens of the Borough of Bellevue, County of Allegheny and Commonwealth of Pennsylvania, in order to insure the continuation of the Borough of Bellevue as a separate and distinct self-governing municipality, to provide a more responsive, efficient, accountable and flexible form of government, and to promote the regular participation of citizens in the affairs of the community, hereby do adopt this Charter to be the basic framework of our municipal government.

ARTICLE I

NAME AND BOUNDARIES

SECTION 101. NAME The Borough of Bellevue shall continue to be a municipal corporation under its present name, "Borough of Bellevue". As used hereafter in this Charter, the word "Borough" shall mean the Borough of Bellevue in the County of Allegheny and the Commonwealth of Pennsylvania.

SECTION 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.

ARTICLE II

POWERS OF THE BOROUGH

SECTION 201. POWERS The Borough has and may exercise any power and may perform any function not denied by the Constitution of the Commonwealth of Pennsylvania, by the General Assembly, or by this Charter.

SECTION 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 powers stated in this Article. All possible powers of the Borough, except as limited in Section 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.

SECTION 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 in this Charter.

ARTICLE III

BOROUGH COUNCIL

SECTION 301. COMPOSITION The Town Council of the Borough of Bellevue, hereinafter referred to as "the Council", shall consist of nine (9) members, three (3) from each of three (3) compact and contiguous wards, elected by the qualified voters in their respective wards. Said wards shall be as bounded and described by ordinance and set forth in the official Ward Map of the Borough. Modifications in the boundaries of said wards shall be made by ordinance; provided, however, that no modifications of said wards shall be made except to equalize the populations of the wards after each decennial census of the population of the United States, or to effect any other change required by the laws of the Commonwealth of Pennsylvania or of the United States.

SECTION 302. TERMS AND ELECTION Except as otherwise provided in Section 2001 of this Charter, the terms of all members of the Council shall be four (4) years, commencing at 8:00 P. M. , prevailing time, on the first Monday of January of the year following the year in which they are elected*

The regular election of Councilmen shall be held on the municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania, commencing in the year 1975. Councilmen shall only be elected to replace councilmen whose terms expire the first Monday in January next following such election or whose seats have fallen vacant.

SECTION 303. 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.

SECTION 304. SALARY During 1976, each councilman shall receive a salary at the same annual rate as that received by the highest paid councilman on January 1, 1975. Thereafter, each councilman shall receive such salary as the Council shall from time to time ordain. No ordinance increasing such salary shall become effective until the date of the commencement of the terms of councilmen elected at the next municipal election after such salary increase, and no ordinance fixing the salaries of councilmen shall be adopted less than nine (9) months prior to a municipal election. 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.

SECTION 305. QUALIFICATIONS OF COUNCILMEN A councilman shall be a citizen of the United States and shall have been a resident of the ward from which he is elected for at least three (3) years next prior to the date of his election. He shall be a qualified voter within the Borough on the date of his election.

SECTION 306. AUTHORITY All councilmanic authority shall be asserted by the councilmanic body only. No individual councilman shall have any authority whatsoever under this Charter, unless such authority is specifically delegated by the Charter or by the Council acting as a body.

SECTION 307. PROHIBITIONS No councilman shall hold any other compensated Borough office or Borough employment during the term for which he is elected to the Council, nor shall he act as a paid consultant to the Borough or hold any other elective public office, whether within the Borough or elsewhere, until after the expiration of the term for which he was elected to the Council.

SECTION 308. 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 forty-five (45) days after the commencement of the term thereof. A councilman shall forfeit his office if he: (i) ceases to reside in the ward from which he is elected; (ii) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law; (iii) is convicted of a felony or (iv) fails to attend at least three (3) 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 ten (10) days before the same shall be filled by appointment.

SECTION 309. FILLING OF VACANCIES If a vacancy shall occur in the office of councilman for any reason set forth in this Charter, such vacancy shall be filled in the manner provided in Section 2001 of this Charter.

SECTION 310. ORGANIZATION OF COUNCIL The Council shall organize at 8:00 P. M., prevailing time, on the first Monday of January of each even numbered year, by electing one of their number as President and one of their number as Vice President, who shall hold such offices at the pleasure of the Council. If the first Monday of January 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.

ARTICLE IV

OPERATION AND PROCEDURES OF COUNCIL

SECTION 401. MEETINGS It shall be the duty of the Council to meet statedly 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 those who do meet may agree upon another date for a meeting to consider like business and may continue so to agree until the meeting is held. Special meetings may be called by the President of Council and shall be called upon written request of at least one-third of the members thereof. Members of the Council and the Mayor shall have at least twenty-four (24) hours¹ written notice of such special meetings. The notice shall state whether it is for general or special purposes, and if it is for special purposes, the notice shall contain a statement of the nature of the business to be considered. Presence at a meeting constitutes waiver of notice of such meeting.

SECTION 402. RECORDS Council shall make and preserve minutes and records of its proceedings. These records shall be open for public inspection during usual business hours.

SECTION 403. PUBLIC MEETINGS All official meetings of the Council shall be open for public attendance. Notice of all regular meetings and, where time permits, of all special and adjourned meetings, shall be published in a newspaper circulating generally within the Borough. All official votes of the Council shall be taken openly.

SECTION 404. RULES OF COUNCIL The Council shall, by ordinance, adopt rules of procedure for its meetings and for assignment of members to committees. Such rules shall be designed so as to assure full and equal participation in the deliberation of the Council by all its members.

SECTION 405. QUORUM A majority of the members of the Council shall constitute a quorum. The Council shall conduct no business except in the presence of a quorum.

SECTION 406. MAJORITY ACTION The action of a majority of the council- men present and entitled to vote, unless otherwise stated in this Charter, shall be binding upon and constitute the action of the Council.

SECTION 407. FORM OF ACTION BY COUNCIL Official actions of the Council may be taken by enactment of an ordinance, of a resolution, or by motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Council shall be by resolution or motion, unless otherwise required in this Charter, or in the ordinance establishing the rules of councilmanic procedure. However, no such 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 the Council shall be entered in the minutes of the meeting.

SECTION 408. CITIZENS' RIGHT TO BE HEARD The Council shall provide a place on the agenda of every regular, special and adjourned meeting for interested citizens and taxpayers of the Borough, or their authorized agents, to address the Council on matters of personal or public concern. Whenever a petition shall be presented to the Council, signed by registered electors of the Borough comprising at least two percentum (2%) of the electors voting at the most recent municipal election, requesting that the Council consider and take action on the subject matter of the petition, it shall be the duty of the Council to place the subject matter thereof on its agenda for a regular or special meeting taking place within two (2) months after receipt of the petition. At such meeting, the Council shall consider and take action on such subject matter; provided, however, that the same subject matter shall not be presented to the Council by petition pursuant to this section more often than one (1) time in any two (2) year period, and, provided further, that this section is not intended to prevent any individual or group of individuals from petitioning or addressing the Council in any other lawful manner.

ARTICLE V

ORDINANCES AND RESOLUTIONS

SECTION 501. CERTAIN SPECIFIC ACTION REQUIRING AN ORDINANCE In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of the Council shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any Borough department, office or agency;
2. Adopt or amend a code establishing a personnel system for the Borough;
3. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than One (\$1. 00) Dollar per violation;
4. Levy taxes;
5. Grant, renew or extend a franchise;
6. Establish, alter or abolish rates charged for any utility or other service supplied by the Borough;
7. Authorize the borrowing of money;
8. Convey or lease or authorize the conveyance or lease of any lands of the Borough;
9. Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion, and
10. Establish wages, hours or fringe benefits of any employees of the Borough.

SECTION 502. ENACTING CLAUSE The enacting clause of all ordinances shall be: "The Town Council of the Borough of Bellevue hereby ordains:".

SECTION 503. GENERAL ORDINANCE REQUIREMENTS Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting at which final action thereon was taken and attested by the Director of Administrative Services. The official seal of the Borough shall be affixed to the original copy of each ordinance. However, failure on the part of any person to sign or attest an ordinance and/or to affix the official seal shall not in any way invalidate an otherwise valid ordinance.

SECTION 504. PENALTY The penalty for the violation of any ordinance shall not exceed Five Hundred (\$500.00) Dollars for each violation, or thirty (30) days imprisonment in default of payment of fine. However, any ordinance may provide that, for continuing violations, each day that a violation exists may be regarded as a separate offense and be 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 non-charter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

SECTION 505. ADOPTION OF ORDINANCES Before any ordinance takes effect, it first must be submitted to the Mayor for his approval. The Mayor shall sign the ordinance if he approves it, whereupon it shall become law as of its effective date. If he disapproves it, he shall veto it, and shall return it to the Council with the reasons for his disapproval at the first meeting thereof held not less than ten (10) days after he receives it. If the Council shall pass the ordinance by vote of two-thirds of all of its members within forty-five (45) days after the ordinance has been returned with the Mayor's veto, it shall become law without his approval. If the Mayor does not return the ordinance within the time required, it shall become law without his approval.

SECTION 506. PUBLICATION AND EFFECTIVE DATE OF ORDINANCES After adoption in the manner provided in Section 505 of this Charter, all ordinances shall be published onetime in a newspaper circulating generally within the Borough. The full text of the ordinance need not be published; instead the title and a general summary of the substance of the ordinance will be sufficient to meet said publication requirement. Publication shall occur within ten (10) days after the enactment of the ordinance. Except as otherwise provided in Section 507 of this Charter in respect of emergency ordinances, the effective date of any ordinance shall be the publication date unless a later date is specified in the ordinance or required by

the laws of the Commonwealth of Pennsylvania.

SECTION 507. EMERGENCY ORDINANCES To meet a public emergency affecting life, health, property or the public peace, the Council may enact one or more emergency ordinances which may be adopted without prior notice and may be made effective immediately. Such emergency ordinances shall be adopted in the manner set out in Section 505 of this Charter, except that if the Mayor disapproves any such emergency ordinance he shall veto the same and shall return it to the Council with the reasons for his disapproval within twenty-four (24) hours after its enactment. Such emergency ordinances shall not levy taxes, grant, renew, or extent 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 the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption (he ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the thirty-first day following the date on which it was adopted, but this shall not prevent re-adoption of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 508. RECORDING OF ORDINANCES AND RESOLUTIONS All ordinances and resolutions of the Borough shall be entered verbatim in permanent separate record books for ordinances and resolutions. The Ordinance Book and the Resolution Book shall be open and available for public inspection during usual business hours. These books shall be in the custody and control of the Director of Administrative Services.

SECTION 509. ORDINANCES REQUIRING PRIOR PUBLIC NOTICE AND HEARING No final action shall be taken on the following types of ordinances without public hearing thereon and at least ten (10) days prior public notice thereof published in a newspaper circulating generally within the Borough:

1. Zoning ordinance and amendments thereto;
 2. Adoption of the zoning map and amendments thereto;
 3. Subdivision regulations;
 4. Land development and land use regulations;
 5. New taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the re-enactment of taxes levied annually at the same rate;
 6. Ordinances establishing or amending the Borough personnel system;
 7. Ordinances establishing the Administrative Code, and
8. Ordinances modifying the boundaries of Borough wards.

ARTICLE VI

THE MAYOR -

SECTION 601. EXECUTIVE POWER The executive duties of the government of the Borough shall be entrusted to the Mayor who shall be the Chief Executive of the Borough and its official head.

SECTION 602. ELECTION, TERM AND QUALIFICATIONS OF THE MAYOR Except as provided in Section 2001 of this Charter, the Mayor shall be elected by the qualified voters of the Borough at large for a term of four (4) years, commencing at 8:00 P. M. , prevailing time, on the first Monday of January following the year in which he is elected and ending at the commencement of the term for which his successor is elected. The election of the Mayor shall be held on the municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania, commencing in the year 1977. The procedure for nomination and election of the Mayor shall be as established by the general laws of the

Commonwealth of Pennsylvania for municipal elections. The Mayor shall be a citizen of the United States and shall have been a resident of the Borough for at least three (3) years next prior to the date of his election. He shall be a qualified voter within the Borough on the date of his election and shall be at least twenty-one (21) years of age on the day prior to the date of his installation in office.

SECTION 603. SALARY The Mayor shall receive a salary fixed by the Council by ordinance in an amount no less than one-hundred forty percent (140%) of the salary then received by the lowest paid councilman: provided, however, that no ordinance increasing such salary shall become effective until the date of commencement of the term of the Mayor elected at the next regular election of the Mayor following such salary increase and, provided further, that such election follows the adoption of such ordinance by at least nine (9) months.

SECTION 604. VACANCIES The office of Mayor 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 forty-five (46) days after the commencement of the term thereof.

The Mayor shall forfeit his office if he: (i) ceases to reside in the Borough; (ii) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law; (iii) is convicted of a felony; or (iv) is absent from the Borough or becomes and remains unable to carry out the duties of his office for, in either case, a period in excess of ninety (90) days.

SECTION 605. FILLING OF VACANCIES If a vacancy shall occur in the office of Mayor for any reason set forth in this Charter, such vacancy shall be filled in the manner provided in Section 2001 of this Charter.

SECTION 606. ABSENCE OR INCAPACITY During any absence from the Borough or incapacity of the Mayor for a period of ninety (90) days or less, the President of Council shall serve as the Acting Mayor. The Acting Mayor, in addition to his duties and responsibilities as a Member of Council, shall have all the powers and duties of the Mayor except the power of appointment or removal from office, but he shall not exercise the powers and duties of the office of President of Council during any period in which he serves as Acting Mayor.

The Acting Mayor shall assume his duties upon the written request of the Mayor or by resolution of the Council and shall surrender the office at the return or recovery of the Mayor.

SECTION 607. INCOMPATIBLE OFFICES The Mayor, during his term of office, shall not hold any other elected public office, nor, during such term, shall he be a Borough employee.

SECTION 608. POWERS AND DUTIES The Mayor, in addition to any other powers and duties provided by this Charter, shall:

1. Assure that the Ordinances of the Borough and the Laws of the Commonwealth of Pennsylvania relating to the affairs and government of the Borough are duly executed and enforced within the Borough;
2. Present to the Council from time to time such information concerning the business and affairs of the Borough as he may deem necessary, or as the Council by resolution, may request, and recommend such measures for legislative action as may be in the best interest of the Borough;
3. Appoint and dissolve, at his discretion, voluntary committees of citizens to assist and advise him on issues and matters pertaining to his office, or to the municipal affairs of the Borough;
4. Have the right to attend meetings of the Council and an equal right with councilmen to participate in their deliberations. He shall have no right to vote on any matters before the Council except in the event of a tie vote of the Council, in which case, if present, he shall have the right to cast the deciding vote;
5. Have the right of access at all times to the records of any office, department, board or commission of the Borough, and
6. Have all necessary incidental powers to perform and exercise any of the duties and functions of

his office as set forth in this Charter or as lawfully delegated to him.

ARTICLE VII

BOROUGH SOLICITOR

SECTION 701. APPOINTMENT, QUALIFICATIONS AND COMPENSATION The Council shall appoint a Borough Solicitor for an indefinite term and shall fix his compensation. The Borough Solicitor shall be a person learned in the law and admitted to the Bar of the Commonwealth of Pennsylvania with at least five (5) years' experience in active legal practice and at least three (3) years' experience in legal practice in the Commonwealth of Pennsylvania.

SECTION 702. REMOVAL The Council may remove the Borough Solicitor at any time, with or without cause.

SECTION 703. POWERS AND DUTIES OF THE BOROUGH SOLICITOR The Borough Solicitor shall be the chief legal officer of the Borough. He shall:

1. Furnish legal advice to the Council, and to other officers of the Borough if so authorized by Council, concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and, except as otherwise directed by the Council, supervise, direct and/or perform all the legal work of the Borough;
2. Upon the authorization of the Council, represent the Borough and every Borough officer, department, board or commission in all litigation or on matters before official regulatory agencies or other governmental bodies; and collect, by suit or otherwise, all debts, taxes and accounts due to the Borough which shall be placed with him for collection by any office, department, board or commission;
3. Prepare or approve all contracts, bonds or other written instruments in which the Borough is concerned, and approve all surety bonds required to be given for protection of the Borough;
4. At the direction of the Council, investigate any alleged violation of ordinances of the Borough and take such steps and adopt such means as may be reasonably necessary or appropriate to enforce or cause the enforcement of such ordinances;
5. Upon the request of the Council or the chairman of any committee of the Council, prepare or assist in preparing any ordinance or resolution for presentation before the Council, and
 - o. Have all necessary incidental powers to perform and exercise any of the duties and functions of his office as set forth in this Charter or as lawfully delegated to him.

SECTION 704. ALTERNATE OR SUPPLEMENTARY LEGAL COUNSEL Nothing in this Article shall be construed to prevent the Borough from retaining alternate or supplementary legal counsel to perform specialized or temporary legal services for the Borough as the Council from time to time deems necessary; nor shall this Article be construed to prevent any officer of the Borough or borough department, board or commission from retaining separate legal counsel where such an act is specifically authorized by the Council.

SECTION 705. ACCESS TO RECORDS The Borough Solicitor shall have the right of access at all times to the records of any office, department, board or commission of the Borough.

ARTICLE VIII

DIRECTOR OF ADMINISTRATIVE SERVICES

SECTION 801 APPOINTMENT, QUALIFICATIONS AND TERMS OF EMPLOYMENT The general administration of the business of the Borough shall be entrusted to the office of the Director of Administrative Services. The Director of Administrative Services shall be appointed by a vote of an absolute majority of the Council. He shall be, or upon his appointment shall become, a Borough employee.

The Council shall stipulate the terms, conditions and tenure of his employment by ordinance or by contract. He shall be appointed with regard to merit and fitness' and on the basis of his executive and administrative qualifications. During his tenure as Director of Administrative Services he shall not hold any elective public office.

SECTION 802. POWERS AND DUTIES The Director of Administrative Services shall serve as Secretary and Administrative Assistant to the Council. In addition to any other, powers and duties assigned to him by the terms of this Charter or by ordinance, he shall:

1. Attend all meetings of the Council and keep full minutes of its proceedings;
2. Transcribe the bylaws, rules, regulations, ordinances and resolutions adopted by the Council into a book or books kept for that purpose;
3. Preserve and maintain all records and documents of the Borough;
4. Have custody of the corporate seal of the Borough and deliver the same to his successor along with all books, papers and other records and things belonging to the Borough;
5. Certify copies of any book, paper, record, bylaw, rule, regulation, resolution, ordinance or proceeding of the Borough, under the seal thereof;
6. Attest, by his signature, the execution of all instruments and ordinances of the Borough;
7. File of record proof of service of all notices required by law or by this Charter;
8. Receive and dispatch all official Borough correspondence;
9. Supervise the authorized purchase of goods and services for the Borough according to the instructions of the Council;
10. Prepare and disburse the Borough payroll;
11. Assist the Council and the Mayor in the preparation of the Borough budget;
12. Under the direction of the Council, supervise the day-to-day operation of all Departments of the Borough except the Police Department;
13. Make available, upon request, to any elected officer of the Borough information in his custody related to the business of the Borough;
14. Perform or cause to be performed any other administrative act reasonably related to the business of the Borough requested of him by the Mayor, the Council or any Committee of the Council, and
15. Have all necessary incidental powers to perform and exercise any of the duties and functions of his office as set forth in this Charter or as lawfully delegated to him.

ARTICLE IX

PERSONNEL

SECTION 901. GENERAL PROVISIONS Within one (1) year after the effective date of this Charter, the Council shall establish by ordinance, and thereafter from time to time may amend by ordinance, a personnel system governing all Borough employees. The system so established shall be based upon merit principles and recommendations submitted by the Director of Administrative Services and/or the Mayor.

SECTION 902. PERSONNEL SYSTEM The personnel system established by the Council shall include as a minimum provisions concerning:

1. The classification of all Borough employees, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances;
2. A pay plan for all Borough employees;
3. Methods for determining the merit and fitness of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force and disciplinary action, including suspension, removal or termination of employees;
5. The hours of work, and provisions for sick and vacation leave and holidays, and provisions for overtime and compensation, and
6. Grievance procedures, including procedures for the hearing of grievances,

SECTION 903. HIRING NOTICE Except when immediate hiring is necessitated by an emergency, the existence of all openings for employee positions in the Borough, whether full-time or part-time, seasonal or nonseasonal, shall be advertised at least once in a newspaper circulating generally within the Borough at least ten (10) days before any such opening or openings are filled.

SECTION 904. NONDISCRIMINATION There shall be neither discrimination against nor preference for the selection or promotion of any employee or officer of the Borough on the basis of age, sex, race, religion, political affiliation, or ethnic origin.

SECTION 905. COLLECTIVE BARGAINING AGREEMENTS This article shall be subject to any collective bargaining agreements which do or shall exist between the Borough and any collective bargaining agent or agents.

ARTICLE X

ADMINISTRATIVE DEPARTMENTS

SECTION 1001. ADMINISTRATIVE DEPARTMENTS Administrative departments shall from time to time be established by the Council by ordinance. The Council, by a vote of an absolute majority of its members, shall appoint the Director of each department, who shall become the highest ranking employee in that department. The regular, continuing work and administration of the Borough and its administrative departments, with the exception of the Police Department, shall be under the general supervision of the Council acting through the office of the Director of Administrative Services.

ARTICLE XI

POLICE DEPARTMENT

SECTION 1101. RESPONSIBILITY Responsibility for the keeping of peace and order in the Borough shall be vested in a Police Department of the Borough.

SECTION 1102. DUTIES It shall be the duty of the Police Department to preserve the public peace, prevent and detect crimes, police the streets and highways, and enforce traffic statutes, ordinances, and regulations relating thereto. The Police Department and its personnel shall at all times aid in the administration and enforcement within the Borough of the laws of the United States of America, the Commonwealth of Pennsylvania and the ordinances of Allegheny County and of the Borough.

SECTION 1103. POWERS Police officers shall have all the powers, protections and prerogatives now or hereafter conferred upon borough police officers by ordinance or by law, and upon constables of the Commonwealth of Pennsylvania. They shall have the power to make lawful searches, seizures and arrests for violation of any statute or ordinance in force in the Borough, and to do such other acts as may be required of them by statute or ordinance.

SECTION 1104. SELECTION OF POLICE OFFICERS AND DEPARTMENT EMPLOYEES All Police Department personnel shall be, or upon their employment shall become, Borough employees. Except as hereinafter provided in this Section, members of the police force, other than the Chief, shall be selected in accordance with the appointment provisions of the Police Civil Service statutes of the Commonwealth of Pennsylvania applicable to boroughs in effect at the time of such selection. Police Department employees who are not members of the police force as described in said statutes shall be selected in accordance with the Borough personnel system as set forth in Article IX of this Charter. All police officers shall as a minimum be required to have passed vision, hearing, health, physical fitness, driving and psychological and/or psychiatric examinations which shall be provided for in the Administrative Code.

SECTION 1105. SUPERVISION OF THE POLICE DEPARTMENT The highest ranking officer within the Police Department shall be designated the Chief of Police. The Chief of Police shall be named and

appointed by the Mayor with the confirmation of an absolute majority of the Council and shall serve at the pleasure of the Mayor. He shall meet all the qualifications for other Borough police officers as set out in Section 1104 of this Charter and, in addition, shall have at least three (3) years creditable service in the field of law enforcement next prior to his appointment. Operation and administration of the Police Department shall be under the general supervision of the Mayor acting through the Chief of Police. The routine operation of the Police Department including, but not limited to, the direction of the time during which, the place where and the manner in which the police force shall perform its duties shall be under the sole supervision of the Chief of Police.

ARTICLE XII

BOARDS AND COMMISSIONS

SECTION 1201. BOARDS AND COMMISSIONS The Council may from time to time establish by ordinance various Boards and Commissions to act in an advisory capacity or to perform special functions. Except as otherwise may be provided by statute or this Charter, the members of all such Boards and Commissions shall be appointed by a vote of an absolute majority of the Council, and the Council shall have authority to suspend or remove any member of any Board or Commission established by it. The Mayor shall become an ex-officio member of all Boards and Commissions created under this Article.

ARTICLE XIII PLANNING AND ZONING

SECTION 1301. PLANNING COMMISSION; CREATION BY ORDINANCE The Council shall, within six (6) months after the effective date of this Charter, adopt an ordinance creating a Borough Planning Commission. The composition, compensation, eligibility for membership, appointment, term, vacancy, removal, conduct of business, powers and duties of the said Commission shall be governed by the provisions of the Pennsylvania Municipalities Planning Code and by the provisions of this Article insofar as they are not inconsistent with the said Municipalities Planning Code.

SECTION 1302. PLANNING COMMISSION; ORGANIZATION AND MEETINGS The Planning Commission shall meet annually, during the month of January, for the purpose of organization and selection of officers. The Commission shall meet as often thereafter as it deems necessary to transact business, but no less often than once in each calendar quarter. All Commission meetings shall be open to public attendance and shall be advertised at least ten (10) days in advance of the meeting date in a newspaper circulating generally within the Borough.

SECTION 1303. PLANNING COMMISSION; POWERS AND DUTIES In addition to any other powers or duties granted to the Borough Planning Commission by ordinance as set forth in Section 1301 of this Charter, the Council shall require the said Planning Commission to:

1. Formulate and present to the Council for approval a Comprehensive Plan as described in Section 1305 of this Charter. The Commission shall from time to time, but in any case not less often than once in every five (5) years, review said approved Comprehensive Plan to determine whether or not it provides adequately for changed conditions within the Borough and recommend to the Council any amendment to the Plan which the Commission believes necessary to meet such change of condition;

2. In conjunction with the preparation of the Comprehensive Plan, thoroughly review the Borough zoning ordinance and submit to the Council, within two (2) years after the effective date of this Charter, a detailed report concerning the effect of the said zoning ordinance upon existing and recommended future land use in the Borough and containing the Commission's recommendations for change in the ordinance;

3. Periodically review existing Borough Housing, Building and Plumbing Codes and regulations to determine whether such codes and/or regulations provide adequately for minimum modern standards of sound construction and upkeep of buildings and plumbing facilities in the Borough and recommend to the Council the adoption or amendment of any ordinance which the Commission deems necessary to achieve

such standards, and

4. Upon the request of the Council, nominate qualified persons to fill the offices of Borough Building Inspector and Borough Plumbing Inspector,

SECTION 1304. PLANNING COMMISSION; ANNUAL REPORT The Planning Commission shall, prior to March 1st of each year, make and publish a report to the Council and people of the Borough containing an account of its activities in the previous year and an evaluation of the effectiveness of Borough planning and zoning policies in meeting stated goals.

SECTION 1305. COMPREHENSIVE PLAN Within two (2) years after the effective date of this Charter, the Planning Commission shall prepare and recommend to the Council a Comprehensive Plan for the Development of the Borough (Comprehensive Plan) which shall include, but not be limited to, the related basic elements required of a Comprehensive Plan as set out in the Pennsylvania Municipalities Planning Code. In preparing said Comprehensive Plan, the Planning Commission shall make careful surveys and studies of existing conditions and prospects for future growth in the Borough, including, among other things, responsible projections of expected demographic, environmental and economic developments within the Borough and its vicinity within the next twenty-five (25) years. Such Comprehensive Plan further shall recommend legislative and policy measures necessary to deal with such anticipated developments. Within one (1) year after receipt of the proposed Comprehensive Plan, the Council, by resolution, shall adopt the same, with such amendments as it sees fit, and hereafter may amend the same, in the manner provided for the adoption and amendment of a Comprehensive Plan in the Pennsylvania Municipalities Planning Code.

SECTION 1306. PROFESSIONAL PLANNING ASSISTANCE The Planning Commission may request the approval of the Council to retain the services of a professional consultant or firm of consultants to assist the Commission in discharging its duties.

SECTION 1307. ZONING HEARING BOARD The Zoning Hearing Board of the Borough of Bellevue, heretofore created, shall continue in being, but the composition, compensation, eligibility for membership, appointment, term, removal, conduct of business, powers and duties of said Zoning Hearing Board shall be as set out in the Pennsylvania Municipalities Planning Code.

SECTION 1308. APPLICABLE STATUTE As used in this Article, the term "Pennsylvania Municipalities Planning Code" shall mean the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as now or hereafter amended, supplemented, reenacted or supplied.

ARTICLE XIV TAX COLLECTOR

SECTION 1401. TERM, FUNCTION AND RESPONSIBILITY At the municipal election in 1977 and every four (4) years thereafter a Tax Collector shall be elected at large by the qualified voters of the Borough. The four-year term of the Tax Collector shall commence at 8:00 P.M., prevailing time, on the first Monday of January following the year in which he is elected. The procedure for nomination and election of the Tax Collector shall be established by the general laws of the Commonwealth of Pennsylvania for municipal elections. Except as otherwise provided by law or ordinance, the Tax Collector shall be the collector of all taxes levied by the Borough. He shall also be the collector of such state, county, school, institution district and other taxes as a borough tax collector shall be directed by law to collect and shall have all the powers, perform all the duties and be subject to all the obligations and responsibilities for the collection of the taxes aforementioned as now are or hereafter may be vested in, conferred upon or imposed upon borough tax collectors by law.

SECTION 1402. COMPENSATION The Tax Collector shall receive such compensation as the Council shall from time to time ordain; provided, however, that no ordinance increasing or decreasing the compensation of the Tax Collector shall become effective until the date following the expiration of the then current term of the Tax Collector, and provided further, that no such ordinance shall be adopted after the fifteenth day of February in the year of a municipal election.

SECTION 1403. QUALIFICATIONS The Tax Collector shall be a citizen of the United States, shall be a qualified voter in the Borough and shall have been a resident of the Borough for at least one (1) year next prior to the date of his election.

SECTION 1404. PROHIBITIONS The Tax Collector shall not hold any other compensated Borough office or Borough employment during his term as Tax Collector.

SECTION 1405. VACANCIES The office of Tax Collector 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 forty-five (45) days after the commencement of the term thereof.

The Tax Collector shall forfeit his office if he: (i) ceases to reside in the Borough; (ii) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law; (iii) is convicted of a felony; or (iv) fails for a period in excess of ninety (90) days to carry out the duties of his office.

SECTION 1406. FILLING VACANCIES If a vacancy shall occur in the office of Tax Collector for any reason set forth in this Charter, such vacancy shall be filled in the manner provided in Section 2001 of this Charter.

ARTICLE XV

TREASURER

SECTION 1501. APPOINTMENT The Council may appoint a Borough Treasurer, may direct another Borough officer to serve in that capacity, or may combine the office of Treasurer with other appropriate offices to create a Department or Office of Finance. Either an individual or a bank may serve as appointed Treasurer. Councilmen, the Mayor, the elected Borough Auditors and accountants named as Independent Auditors pursuant to Section 1512 of this Charter, shall be ineligible to serve as Treasurer during their respective terms of office. The Treasurer shall serve at the pleasure of the Council.

SECTION 1502. QUALIFICATIONS The Treasurer shall be appointed on the basis of qualification and experience in financial matters. The Treasurer, if an individual, shall be a citizen of the United States at least twenty-one (21) years of age, shall have at least two (2) years professional experience in the field of finance and shall have been a resident of the Borough for at least three (3) years next prior to his appointment.

SECTION 1503. POWERS AND DUTIES The Borough Treasurer shall be the chief fiscal officer of the Borough. He shall:

1. Receive from the Tax Collector, account for, and deposit into the Borough treasury, all taxes, fees, funds, assessments or charges that are levied, established or received by the Borough for general or special purposes. Such deposits shall be made not later than the first business day following the day in which the funds are received.
2. disburse Borough funds pursuant to authorizations for payment made by the Council as provided in this Charter.
3. Arrange for temporary investments of Borough funds and make such other investments as shall be directed by the Council.
4. Deposit the funds of the Borough in various depositories as designated by the Council. All such accounts shall be in the name of the Borough.

SECTION 1504. COMPENSATION The Treasurer shall receive compensation in such form and amount as the Council shall from time to time ordain.

ARTICLE XVI

AUDITORS

SECTION 1601. ELECTION There shall be three (3) Borough Auditors, elected at large by the qualified voters of the Borough. One (1) Auditor shall be elected every two (2) years on the municipal election day established by law. The procedure for nomination and election of Auditors shall be as established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

•SECTION 1602. TERM Except as provided in Section 2001 of this Charter, the term of the Borough Auditors shall be six (6) years, commencing the first Monday of January following the year in which they are elected.

SECTION 1603. QUALIFICATIONS The Auditors shall be citizens of the United States, shall be qualified voters in the Borough and shall have been residents of the Borough for at least three (3) years next prior to their respective dates of election.

SECTION 1604. PROHIBITIONS The Auditors shall not hold any other compensated public office or Borough employment during their terms as Auditors

SECTION 1605. MEETINGS The Auditors shall meet annually within ten (10) days following the end of each Borough fiscal year. They shall meet subsequently as necessary to fulfill the duties and responsibilities of their office.
Two (2) auditors shall constitute a quorum.

SECTION 1606. POWERS AND DUTIES In addition to any other powers and duties assigned to them by law, by this Charter, or by ordinance, the Auditors, unless an independent audit is authorized by the Council for a particular year, as hereinafter provided, shall

1. Annually audit, settle and adjust the accounts of the Council, the Treasurer, the Tax Collector and all other persons receiving, disbursing or authorizing the disbursement of monies of the Borough during the preceding fiscal year;
2. Prepare an annual report, which shall contain an audit of the revenues and accounts of the Borough of the preceding fiscal year and shall show a complete statement of the financial condition of the Borough, highlighting any discrepancies or unusual findings. The said report shall be signed by the Auditors and made available to the public;
3. Complete the said report promptly, and, within ninety (90) days after the close of the fiscal year, file copies thereof with the Director of Administrative Services, with the Pennsylvania Department of Community Affairs or its successor agency, and with such other officials as required by law or as directed by the Council. Publication of an accurate summary of the said report shall be made within ten (10) days after completion of the same in a newspaper circulating generally within the Borough, and
4. Audit specific accounts of the Borough when requested so to do in writing by the Council. The results of such special audits shall be made available to the public. The Council shall require such a special audit to be made upon the death, resignation, removal or expiration of the term of any officer of the Borough.

SECTION 1607. SURCHARGE OF BOROUGH OFFICIALS The amount of any balance or shortage, or of any expenditure of a kind, or made in a manner, prohibited or not authorized by law or by this Charter which causes a financial loss to the Borough, shall be a surcharge against any officer of the Borough against whom such balance or shortage shall appear, or who by vote, act, or neglect, has permitted or approved such expenditure, but no elected or appointed officer of the Borough shall be surcharged for any act, error or omission in excess of the actual financial loss sustained by the Borough.

SECTION 1608. APPEAL FROM SETTLEMENT OF AUDIT The Borough, or any taxpayer thereof on its behalf, or any officer whose account is settled or audited may appeal from the settlement or audit, as shown in the Auditor's annual report, in any manner prescribed by the Statutes of the Commonwealth of Pennsylvania applicable to boroughs.

SECTION 1609. COMPENSATION Except as otherwise provided in Section 1903 of this Charter, the Auditors shall receive such compensation as the Council shall from time to time ordain; provided, however, that no ordinance changing such compensation shall become effective until the date of commencement of the term of the Auditor elected at the next municipal election after such salary increase, and provided, further, that the Auditors shall be entitled to their actual expenses incurred in the performance of their duties subject to the approval of the Council.

SECTION 1610. VACANCIES The office of an Auditor 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 upon his death or for failure to assume such office after election. within ten (10) days after the commencement of the term thereof. An Auditor shall forfeit his office if he: (i) ceases to reside in the Borough; (ii) lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law; (iii) is convicted of a felony or (iv) fails to attend at least five (5) consecutive regular meetings of the Auditors without being excused by the other Auditors. In the case of failure of attendance, the Council shall declare such office vacant at least ten (10) days before the same shall be filled by appointment.

SECTION 1611. FILLING OF VACANCIES If a vacancy shall occur in the office of Auditor for any reason set forth in this Charter, such vacancy shall be filled in the manner provided in Section 2001 of this Charter.

SECTION 1612. INDEPENDENT AUDIT The Council may provide for an independent audit of any or all Borough revenues and accounts by a Certified Public Accountant, registered in the Commonwealth of Pennsylvania, a firm of Certified Public Accountants so registered or a competent public accountant or a competent firm of public accountants, who have no personal interest, direct or indirect, in the fiscal affairs

of the Borough government or any of its elected or appointed officers. Such audit or audits may be authorized for any fiscal year or part thereof which the Council desires, in its discretion, to be so audited. When any such audit is authorized, it shall be conducted in accordance with Section 1606 of this Charter.

ARTICLE XVII

BUDGET AND FISCAL MATTERS

SECTION 1701. FISCAL YEAR The fiscal year of the Borough shall be established by the Council by ordinance.

SECTION 1702. SUBMISSION OF BUDGET AND BUDGET MESSAGE Not less than forty-five (45) days prior to the first regular meeting of the Council in each fiscal year, the Mayor shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message. The Council shall assist the Mayor in preparing the proposed budget.

SECTION 1703. BUDGET MESSAGE The Mayor's message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the Borough for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the Borough's debt position, and include such other material facts as the Mayor deems desirable.

SECTION 1704. BUDGET Both the proposed budget and the budget as adopted shall provide a complete financial plan of all Borough funds and activities for the ensuing fiscal year and, except as required by law, by this Charter, or by resolution of the Council, shall be in such form as the Mayor deems desirable. In organizing the budget the Mayor shall utilize the most feasible

combination of expenditure classification by fund, organization unit, program, purpose or activity, and object.

The budget shall contain, but shall not be limited to the following:

1. It shall begin with a general summary of its contents.
2. It shall show in detail all estimated income, indicating existing and proposed tax levies, as well as other assessments, fees and charges, and revenues to be derived from other branches of government or private sources.
3. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
4. It shall show the number of proposed employees in every job classification.
5. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.
6. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
7. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.

SECTION 1705. BALANCED BUDGET The total of proposed expenditures in the budget as finally adopted shall not exceed the total of estimated income.

SECTION 1706. PUBLIC RECORD The annual budget shall be a public record and shall be available for public inspection after submission and prior to adoption, and after adoption, during regular Borough business hours.

SECTION 1707. ADOPTION OF BUDGET After receiving the proposed budget, the Council shall publish in one or more newspapers circulating generally within the Borough a general summary of the budget and a notice stating:

1. The time and place where copies of the message and proposed budget are available for inspection by the public, and
 1. The time and place, not less than ten (10) days after such publication, for a public hearing on the proposed budget.

Not less than ten (10) days after the public hearing, the Council shall adopt the budget by ordinance, with or without amendment, subject to the approval or veto of the Mayor and the power of the Council to override the veto as hereinbefore provided. If the budget, as finally adopted, differs materially from the proposed budget, the Council shall publish in one or more newspapers circulating generally within the Borough a summary of the material differences between the proposed budget and the budget as adopted.

Final adoption of the budget shall occur prior to the commencement of the fiscal year-for which it is prepared.

SECTION 1708. AMENDMENT OF BUDGET The budget may be amended by ordinance during the fiscal year for which the budget was adopted; provided, however, that such amendment follows due public notice in a newspaper circulating generally within the Borough, is considered at a regular meeting of the Council and does not result in expenditures exceeding the estimated income determined as of the time of the amendment.

SECTION 1709. APPROPRIATIONS Adoption of the budget and amendments thereof shall

constitute appropriations for the expenditures set forth therein.

SECTION 1710. PAYMENT OF FUNDS No payment of any funds of the Borough shall be made unless provided for in the budget and specifically approved by the Council; provided, however, that payroll and utility expenditures may be made at the direction of the Director of Administrative Services where based upon a prior ordinance or contract. All checks or drafts of the Borough shall be signed by any three of the following four officers of the Borough: President of Council, Vice-President of Council, Director of Administrative Services and Treasurer. If the Director of Administrative Services and the Treasurer are the same person, he shall sign such checks and drafts in one capacity only and the Mayor shall be the fourth person authorized to sign such checks and drafts.

SECTION 1711. FIDELITY BONDS Before entering upon the duties of their respective offices or positions, the Director of Administrative Services, the Tax Collector, the Treasurer, and 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 upon the lowest responsible bid basis and the premium therefor shall be paid by the Borough. Such bonds may provide for one or more additional obligees in the event that the officer bonded is acting in a dual or similar capacity with other political sub-divisions or governmental or quasi-governmental entities.

SECTION 1712. BOROUGH DEBT The debt incurred by the Borough shall be governed both as to substance and procedure by the provisions of the Local Government Unit Debt Act (Act 185 of 1972) as now or hereafter amended, supplemented, reenacted or supplied, and of any other act of the General Assembly concerning the debt of municipal corporations that is uniform and applicable throughout the Commonwealth. The procedural provisions of the said Local Government Unit Debt Act hereby are incorporated herein by reference.

ARTICLE XVIII CONTRACTS AND EXPENDITURES

SECTION 1801. REQUIREMENTS All contracts of the Borough involving 9urns in excess of the Minimum Amount (to be established in the manner set forth in Section 1808) shall be in writing and shall be executed on behalf of the Borough by the President of Council or, in his absence, by the Vice President of Council. The President of Council shall also execute all contracts, regardless of amount, for the purchase, sale, leasing or use of real estate.

Unless otherwise provided by ordinance, the Director of Administrative Services may execute contracts on behalf of the Borough involving sums of less than the Minimum Amount pursuant to budget or other prior authorization. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any person required to execute a written contract on behalf of the Borough may request the Borough Solicitor to approve the same as to form.

SECTION 1802. COMPETITIVE BIDS Except as otherwise provided in this Charter, no contracts for supplies, material, labor, franchise or other valuable consideration, to be furnished to or by the Borough, shall be authorized on behalf of the Borough except with the lowest responsible bidder after competitive bidding.

SECTION 1803. BIDDING PROCEDURE The Council shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers and exceptions as it shall from time to

time deem advisable.

SECTION 1804. EXCEPTIONS Competitive bidding shall not be required under this Charter for:

1. Labor or services rendered by any officer of the Borough or Borough employee;
2. Labor, material, supplies or services furnished by one Borough department to another Borough department;
3. Contracts for labor, material, supplies or services available from only one vendor;
4. Contracts for labor, material, supplies or services aggregating less than the Minimum Amount for the item in the year supplied;
5. Contracts relating to the acquisition or use of real property;
6. Contracts for professional or unique services;
7. Contracts for emergency repair of public works of the Borough, and
8. Contracts with other governmental entities, authorities, agencies, or political subdivisions.

SECTION 1805. EMINENT DOMAIN The Borough shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

SECTION 1806. OFFICIALS WITH PERSONAL INTEREST IN CONTRACTS Neither a councilman, nor any other officer of the Borough or Borough employee, shall solicit, benefit by, or be financially interested, directly or indirectly, to any appreciable degree, in any contract for the purchase of property or services (except, in the case of a Borough employee, for the services for which he is specifically retained) to be paid from the Borough Treasury.

SECTION 1807. PROHIBITION The Borough may not in advertising for or awarding any contract, regardless of amount, discriminate against or give preference to any person, business, organization or group on the basis of age, sex, race, religion, political affiliation or ethnic origin.

SECTION 1808: MINIMUM AMOUNT The Minimum Amount shall be \$4,000.00 in the year 1976. Thereafter, the Minimum Amount for each succeeding year shall be determined by the Borough Solicitor during February of such year in the following manner: The Minimum Amount of the previous year shall be increased or decreased during each succeeding year by the amount of inflation or deflation that has taken place in the preceding year. Such increase or decrease shall take effect on March 1 of such succeeding year. The index for determining the amount of inflation or deflation shall be the Consumer Price Index for Urban Wage Earners and Clerical Workers (including single workers) published by the Bureau of Labor Statistics, United States Department of Labor (1957-59=100) or, if the said Consumer Price Index be discontinued, then such consumer price index as the Borough Solicitor shall determine is the generally recognized successor thereto.

ARTICLE XIX

GENERAL PROVISIONS

SECTION 1901. DEFINITIONS The following terms, as used in this Charter, are defined as follows:

1. The words "absolute majority" mean a majority of all councilmen in office.
2. The words "councilmen", "he", and other similar terms are used generically and when so used are intended to include the feminine and masculine.
3. The words "employee" and "Borough employee" mean a person hired by the Borough to work for wages or salary. No officer of the Borough shall be classified as a Borough employee.
4. The words "officer of the Borough" mean any person elected to public office within the Borough and/or any person or agency appointed or retained by the Council to perform specific services of a technical or professional nature for the Borough. Officers of the Borough shall include,

but shall not be limited to: councilmen, the Mayor, the Solicitor, the Tax Collector, the Treasurer, the Auditors, and the Engineer, the Building Inspector and the Plumbing Inspector, if such officer be appointed by the Council.

SECTION 1902. EFFECTIVE DATE AND SCHEDULE This Charter shall become effective on the first Monday of January 1976, except in the following particulars:

1. Councilmen shall be elected in 1975 under the provisions of this Charter, and for that purpose all sections of this Charter relating to the election of councilmen shall become effective immediately upon the adoption of this Charter by the qualified voters of the Borough,
2. Appropriations shall be made in the budget and salary ordinances for the year 1976 so as to implement fully the provisions of this Charter,

The Council shall as promptly as possible adopt any legislation necessary to implement the provisions of this Charter.

SECTION 1903. AUTHORITY OF ELECTED AND APPOINTED OFFICERS Councilmen in office at the time this Charter becomes effective shall be entitled to remain in office for the full term for which they were elected. However, they shall have responsibilities, duties and authority only as set forth pursuant to this Charter. All other officers of the Borough in office at the time this Charter becomes effective shall be entitled to remain in office for the full term for which they were elected or under the terms and conditions by which they were appointed, as the case may be, and they shall continue to receive the same compensation which they received prior to the effective date of this Charter unless and until said compensation is increased or decreased pursuant to the terms of this Charter.

SECTION 1904. MEMBERS OF AUTHORITIES, BOARDS AND COMMISSIONS Members of authorities, boards and commissions in office at the time when this Charter takes effect shall remain in office under the terms of this Charter for as long as their respective terms of appointment shall continue, unless and until an authority, board or commission shall be abolished, combined with another agency, or reconstituted, in which case, the members thereof shall vacate their respective offices upon notice from the Council to do so.

SECTION 1905. 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 the adoption of this Charter, and the adoption of this Charter shall in no way diminish or remove any of such rights and privileges.

SECTION 1906. ORDINANCES REGULATIONS AND RESOLUTIONS CONTINUING IN FORCE All ordinances, regulations and resolutions in force at the time when this Charter takes effect which are not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, modified or repealed by or under authority of this Charter or by ordinance or expired by their own terms.

All ordinances and resolutions 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.

SECTION 1907. RIGHTS AND LIABILITIES OF THE BOROUGH The Borough 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 shall take effect and shall be subject to all its debts, obligations, liabilities and duties.

SECTION 1908. OATH OF OFFICE All officers of the Borough and all members of sign an oath of office or affirmation to support the Constitution of the United States and the Commonwealth of Pennsylvania and to perform the duties of their respective offices with fidelity, and/or such other oath or affirmation as may from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any Judge or District Magistrate 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.

Borough authorities, boards and commissions, prior to assuming office, shall take and shall

SECTION 1909. ADMINISTRATIVE CODE Within one (1) year after the effective date of this Charter, the Council shall adopt by ordinance, and thereafter from time to time may amend by ordinance, an Administrative Code establishing and defining as a minimum the responsibilities of all 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.

SECTION 1910. REMOVAL OF ELECTED OFFICERS OF THE BOROUGH Elected officers of the Borough shall hold their offices on the condition that they behave themselves well while in office and shall be removed upon the commission of misbehavior in office or of any infamous crime.

The term "misbehavior in office" shall include, but shall not be limited to, the doing of any act prohibited by this Charter or the failure to perform duties required by this Charter.

The Council, after due notice and hearing, may remove any elected officer of the Borough found subject to removal or proceedings for removal may be commenced in the court having jurisdiction thereof.

SECTION 1911 SEVERABILITY It is the intention of the electors of the Borough 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 hereof, the remaining provisions of this Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

ARTICLE XX

FILLING OF VACANCIES

SECTION 2001. FILLING OF VACANCIES IN ELECTED OFFICE If a vacancy shall occur in the Office of Mayor, the President of Council immediately shall assume the position of Acting Mayor and shall discharge all the duties of the Mayor until such time as his successor shall have been elected in the manner provided in this Charter.

If a vacancy shall occur in any other elected office provided for in this Charter, the members of the Council shall fill such vacancy, within forty- five (45) days after the occurrence thereof, by appointing a person qualified under this Charter to hold such office.

The person appointed to fill a vacancy in the office of Councilman, Tax Collector or Auditor and the person assuming the position of Acting Mayor to fill a vacancy in the said office of Mayor shall be entitled to hold said office for the balance of the unexpired term, so long as he shall continue to possess the qualifications pertinent to the office, except when the vacancy shall occur within eighteen (18) months after the commencement of the term for which he was

elected, in which case the person appointed to fill such vacancy shall serve only until the first Monday of January of the first even-numbered year following his assumption of office or appointment. The balance of such unexpired term shall be filled by a person elected by the qualified voters of the Borough the municipal election in the year preceding^ such first Monday of January. In y case, where Council shall refuse, fail or neglect, or be unable, for any reason

whatever, to fill any vacancy required to be filled by it hereunder thin the forty-five (45) day period aforesaid, the Court of Common Pleas Allegheny County shall, upon petition of Council or of any five (5) citizens the Borough, fill the vacancy by the appointment of a qualified resident of the Borough, who shall hold such office for the same period as if he had turned or been appointed to such office as aforesaid.