



**CITY OF WARREN**  
**HOME RULE CHARTER**

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## **PREAMBLE**

We, the people of the City of Warren, under authority granted by Act of April 13, 1972 (P.L. 184, No. 62), known as the Home Rule Charter and Optional Plans Law, as amended, to the citizens of all municipalities of the Commonwealth of Pennsylvania to adopt home rule charters, and thus to exercise to the fullest extent the rights of local self-government, do hereby ordain and adopt this Home Rule Charter. We do this in order to establish a municipal government that will be the most responsive and most responsible to the needs and desires of the people of this municipality, both now and in the future. (Charter, 1/2/1978; as amended by Ord. 1491, 12/12/1988, §2)



## Article I

### Name and Boundaries

§101. Name. The City of Warren, as a Home Rule Municipality, shall continue to be a municipal corporation under the name "City of Warren." As used in this Charter, the word "municipality" shall mean the City of Warren in Warren County, Pennsylvania. (Charter, 1/2/1978; as amended by Ord. 1491, 12/12/1988, §2)

§102. Boundaries. The boundaries of the municipality shall be the actual boundaries of the municipality at the time this Charter takes effect and as they may be lawfully changed thereafter. (Charter, 1/2/1978)



## Article II

### Powers of Municipality

§201. Powers. The municipality has, and may exercise, any power and may perform any function not specifically denied by the Constitution of Pennsylvania, by this Charter or by the General Assembly at any time. (Charter, 1/2/1978)

§202. Construction. The powers of the municipality under this Charter shall be construed liberally in favor of the municipality, 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 municipality, except as limited in §201, above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the municipality or may hereafter from time to time become available. (Charter, 1/2/1978)

§203. Residual Powers in the Municipal Council. All powers of the municipality, including any such power which may hereafter be conferred on the municipality 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 municipal Council. (Charter, 1/2/1978)

§204. Intergovernmental Relations. The municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more States or political subdivisions or agencies thereof, and/or the United States of America or any agency thereof. (Charter, 1/2/1978)



Article III

Nondiscrimination

§301. Nondiscrimination. The municipality shall not deny to any person the enjoyment of any civil right, or discriminate or allow discrimination against any person in the exercise of any civil right because of race, color, religious belief, ancestry, sex, national origin or political belief.  
(Charter, 1/2/1978)



## Article IV

### Elected Officers

§401. Composition. The elected officers of the municipality shall be a Council comprising seven (7) members elected at large, one (1) of whom shall be elected by the voters as Mayor. The Mayor shall be the presiding officer of Council. (Charter, 1/2/1978; as amended by Ord. 1464, 11/3/1987; and by Ord. 1510, 4/9/1990)

§402. Qualifications. All elected officers shall have been residents of the municipality for at least one (1) continuous year prior to the date of their election, and shall be registered voters of the municipality. (Charter, 1/2/1978)

§403. Election. The regular election of all elected officers 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. (Charter, 1/2/1978)

§404. Term of Office. In 1989 municipal elections a Mayor and three (3) Council members shall be elected for four (4) year terms and three (3) Council members shall be elected for two (2) year terms, the latter to be those candidates receiving the fourth (4th), fifth (5th) and sixth (6th) largest pluralities; and in the 1991 municipal elections three (3) Council members shall be elected for four (4) year terms; and continuing in such manner that three (3) Council members be elected at each municipal election and a Mayor at every other municipal election, all to serve four (4) year terms. (Charter, 1/2/1978; as amended by Ord. 1464, 11/3/1987; and by Ord. 1510, 4/9/1990)

§405. Oath of Office. Every elected officer, prior to assuming office, shall take and sign an oath or affirmation to support the United States of America and the Commonwealth of Pennsylvania and to perform the duties of the office with fidelity. The oath or affirmation may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania. No person shall be permitted to assume such office until the oath, in written form, has been filed with the municipality. (Charter, 1/2/1978)

§406. Vacancy and Forfeiture of Office.

1. A vacancy of an elected officer shall occur upon the death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of the office, or for failure to serve in such office after election thereto within forty-five (45) days after the commencement of the term thereof. An elected officer shall forfeit office if he lacks at any time during the term of office any qualification for the office prescribed by this Charter, or by law, or is convicted of a crime more serious than a summary offense as defined by Pennsylvania law, or is absent from three (3)

consecutive regular meetings of Council without having been excused by Council.

2. In the case of failure of attendance, the Council shall declare such office vacant.

(Charter, 1/2/1978)

§407. Filling of Vacancies.

1. Vacancies in any elected office shall be filled by vote of Council within thirty (30) days after the occurrence of such vacancy. Every person so appointed shall possess the same qualifications as herein set out for persons elected to such office.

2. Every person appointed to fill any such vacancy shall be entitled to hold such 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 elective term, in which case the person appointed to fill such vacancy shall serve only until the first (1st) day of January of the first (1st) even-numbered year following his appointment. The balance of such unexpired term shall be filled by a person elected by the qualified voters of the municipality at the municipal election in the year preceding such first (1st) day of January.

3. In any case, where Council shall refuse, fail or neglect, or be unable, for any reason whatever, to fill any such vacancy within the thirty (30) day period aforesaid, the Court of Common Pleas shall then, upon petition of a Council member or of any five (5) registered voters of the municipality, fill the vacancy by the appointment of a qualified voter of the municipality, who shall hold such office for the same period as if he had been appointed by Council.

(Charter, 1/2/1978)

§408. Judge of Qualifications. The Council shall be the judge of the qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of the office shall be entitled to a public hearing upon request within ten (10) days, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the municipality at least one (1) week in advance of the hearing. Decisions made by Council under this Section shall be subject to review by the courts in accordance with existing law.  
(Charter, 1/2/1978)

§409. Prohibitions. No elected officer shall hold any other compensated municipal office or municipal employment during the term for which he is elected. No former elected or appointed officer shall hold any other compensated appointive municipal office or municipal employment, nor shall he act as a paid consultant to the municipality until after the expiration of the term for which he was elected, or until one (1) year after his resigna-

tion from an appointive office. (Charter, 1/2/1978)

§410. Compensation of Elected Officers. Each elected officer shall receive compensation, which shall be determined from time to time by Council; provided, each member of Council shall receive compensation of not less than one hundred dollars (\$100.00) per month, except that the Mayor shall receive compensation of not less than one hundred fifty dollars (\$150.00) per month. Such compensation, or any change therein, shall not become applicable to any incumbent officer until the commencement of a new term of office. (Charter, 1/2/1978)



## Article V

### Council Powers, Duties, Limitations and Legislation

#### §501. Powers.

1. Council shall be the governing body of the municipality and shall possess all legislative authority for the municipality. It shall be responsible for all duties and obligations imposed on the municipality by law. Council shall function as a committee of the whole.

2. Council shall have the power to enact, amend or repeal all ordinances and resolutions not inconsistent with this Charter or with the laws of the Commonwealth of Pennsylvania.

3. Council shall have the power to create or abolish all authorities, boards, commissions, committees, departments, offices or agencies.

4. Council shall have the power to appoint and remove all members of authorities, boards, commissions, and committees, and any and/or all members of its legislative and legal staff.

5. Council shall have the power to receive and accept all gifts or donations of real or personal property or interest therein in the name of the municipality.

6. Council shall have the power to make inquiries and investigations into the affairs of the municipality and its government and into conduct of any municipal department, office or agency.

7. Council shall have the power to hold public hearings on any matter. Notice of every such hearing shall be given at least twenty (20) hours prior to the meeting through a public medium by the municipality, and all interested persons shall have the opportunity to be heard.

(Charter, 1/2/1978)

#### §502. Duties.

1. Council shall appoint a municipal Manager. In the event of a vacancy in the position of Manager, Council shall employ a replacement within a reasonable time.

2. Council shall adopt an administrative code which establishes and defines the responsibilities of the municipal departments and agencies, as well as such procedures as it may deem to be of basic importance in the operation of the municipal government. Council shall have the continuing authority thereafter, by amendment of the administrative code, to make changes in departments and administrative organizations and procedures.

3. Council shall appoint the municipal Solicitor, who shall be an attorney-at-law, or assistants as Council shall deem necessary from time to time. The Solicitor, or assistants shall be directly under the supervision

and control of municipal Council.

4. Council shall appoint a municipal Clerk who shall be directly under the supervision and control of Council. The municipal Clerk shall serve as Clerk of the Council, keep its records and the minutes of its proceedings, and perform such functions as may be required by law or local ordinance.

5. Council shall adopt a personnel system which provides for the appointment, promotion and removal of all appointed officers and employees of the municipality. Such system shall provide, among other things, that all appointments and promotions of appointed municipal officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. Race, creed, color, sex, or political affiliation or beliefs shall not be a factor in any appointment or promotion.

6. Council shall adopt procedures which shall provide for the purchasing of products, goods and services, the making of contracts and the sale or lease of personal or real property of the municipality. Such procedures shall provide for negotiated contracts, competitive bidding, detailed bidding procedures, assurances of control on aggregate spending and safeguards against special interests.

7. Whenever a petition shall be presented to Council, signed by at least two (2) percent of the number of people voting in the most recent municipal election, requesting that Council consider and take action on the subject matter thereof, it shall be the duty of Council to place the subject matter of the petition on its agenda for a regular or special meeting taking place within two (2) months after receipt of the petition. Prior notification of the time and place of such meeting shall be published in a newspaper of general circulation within the municipality. At such a meeting, Council shall consider and take action on such matter; provided, the same subject matter shall not be presented to Council by petition pursuant to this Section more than one (1) time in any two (2) year period. Provided, further, this Section is not intended to prevent any individual or group of individuals from petitioning Council in any other legal manner.

(Charter, 1/2/1978)

§503. Limitations. Council shall, in the conduct of its powers, be subject to the following limitations:

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

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

C. Any Councilman who shall have a special personal or financial

interest in any matter before Council shall abstain from voting on the question and shall inform Council of his reasons for abstention.

(Charter, 1/2/1978)

§504. Legislation. The following actions of the municipal Council shall be taken by ordinance:

A. Adoption of the Administrative Code, referred to in §502(2) of this Charter.

B. Adoption of the Personnel Code, referred to in §502(5) of this Charter.

C. Adoption of procedures for purchasing of products, goods or services, for the making of contracts, and for the sale or lease of personal or real property of the municipality, as referred to in §502(6) of this Charter.

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

E. The setting of salaries of elected officers.

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

(Charter, 1/2/1978)



## Article VI

### Operations and Proceedings of Municipal Council

§601. Organization. The municipal Council shall organize on the first (1st) Monday of January following each municipal election at which any Councilman was elected. If the first (1st) Monday is a legal holiday, the meeting and organization shall take place on the first (1st) day following. The Council shall elect a Vice President of Council to serve in the absence of the Mayor. The Council may transact any further business it deems necessary or appropriate at the reorganization meeting. (Charter, 1/2/1978)

§602. Meetings; Regular and Special. Council shall meet regularly at least once a month. Special meetings may be called by the Mayor, or by two (2) members of Council with four (4) days notice. All meetings shall be publicized and open to the public, and the people shall be afforded the opportunity to be heard. (Charter, 1/2/1978)

§603. Quorum. A majority of the members of Council shall constitute a quorum. (Charter, 1/2/1978)

§604. Majority Action. No action of Council shall be official unless approved by three (3) or more members. (Charter, 1/2/1978)

§605. Form of Action by Council. Official actions of the municipal Council may be taken by ordinance, resolution or motion. All ordinances and resolutions shall be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of Council shall be by resolution or motion, unless otherwise required in this Charter, or in the rules of Councilmanic procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each member of Council shall be entered in the minutes of the meeting. Any Council member may request a roll call vote on any action. (Charter, 1/2/1978)

§606. Conduct of Meetings. Meetings of the municipal Council shall be open to the public and shall be conducted according to the rules of procedure that shall be adopted from time to time by Council. Such rules shall be designed to assure full and equal participation in the deliberations of Council by all of its members. (Charter, 1/2/1978)

§607. Minutes and Records of Meetings. Council shall make and preserve its records and the minutes of its proceedings. These records shall be open for public inspection in the municipal offices during regular business hours. (Charter, 1/2/1978)

§608. Citizens' Right to be Heard. Council shall provide reasonable opportunity at all its meetings for citizens to address the Council on matters of general or special concern. (Charter, 1/2/1978)

§609. Inquiries and Investigations. Council may make investigations into the affairs of the municipality and the conduct of any municipal department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who neglects or refuses to obey a lawful order issued in the exercise of these powers may be cited for contempt and punished as for contempt of court, and for this purpose the Council may institute appropriate proceedings in any court having jurisdiction over the person of the party so neglecting or refusing. (Charter, 1/2/1978)

Article VII

Ordinances

§701. Enactment of Ordinances. Final action on ordinances shall be at a lawful meeting of Council and shall be by a favorable vote of three (3) or more members of Council. All ordinances shall contain the following enacting clause: "The City of Warren hereby ordains:" Ordinances shall be numbered consecutively. After enactment, the Mayor shall sign the ordinances and direct the municipal Clerk to affix the municipal seal and insert the date of enactment. However, failure to sign or affix the official seal shall in no way invalidate an otherwise valid ordinance. (Charter, 1/2/1978; as amended by Ord. 1491, 12/12/1988, §2)

§702. Publication of Notice of Enactment of Ordinances.

1. Notices of ordinances adopted by Council shall be published in one (1) or more newspapers of general circulation in the municipality within ten (10) days of enactment. Such notice shall state where the full text of the ordinance may be examined; provided, in the case of any ordinance which imposes or establishes penalties, the full text of the ordinance shall be published, except:

A. Ordinances adopting codes complete in themselves, as referred to in §703 of this Charter.

B. Any consolidation, codification or revision of the general body of ordinances, or the ordinances on a particular subject, whether it be in the form of a single ordinance or a group or body of ordinances, repealing or amending existing ordinances as may be necessary, in the course of preparing a consolidation, codification or revision of the ordinances.

2. In addition to the publication herein required after enactment of an ordinance, prior public notice of the intent to take action on a proposed ordinance may be made in any case at the discretion of Council and shall be made:

A. Where a provision of the law shall require such advance publication.

B. In the case of an ordinance or of a group or body of ordinances as outlined in §702(1)(B) of this Charter, except for amendments thereto.

C. In accordance with the procedure and requirements of §705 of this Charter.

D. In the case of any ordinance that would affect any identifiable specific piece of private property, notice shall be given to the owner thereof by certified mail to his last known address.

(Charter, 1/2/1978)

§703. Recording of Ordinances. Within fifteen (15) days after the enactment of an ordinance, the municipal Clerk shall record in the municipal ordinance book, a verbatim copy of such ordinance, which shall contain a notation of the date of enactment and the date of publication and the name of the newspaper in which the publication was made; provided, it shall not be necessary to record in the ordinance book the full text of any ordinance where there is a specific provision in the laws of the Commonwealth of Pennsylvania permitting adoption and recording by reference, or in the case of any ordinance adopting, with or without amendment or modification, any building code, plumbing code, or other code complete in itself, for the regulation of any trade, occupation or line of activity or undertaking, but in the latter cases it shall be necessary only to record the ordinance adopting the same by reference and indicating the municipal office where the complete code or ordinance shall be available. Provided, further, whenever an ordinance shall be specifically amended or repealed, the municipal Clerk shall cause a notation to the effect to be made in the book at the location where the recording of such ordinance shall commence. Provided, further, whenever any ordinance shall prescribe a condition to its becoming effective, in the nature of an acceptance by a party thereto, the meeting of such condition or the failure to meet the same shall likewise be noted at the appropriate place in the ordinance book. (Charter, 1/2/1978)

§704. Availability of Ordinances. The ordinance book shall be open and available for public inspection during business hours in the municipal building. Upon request, the municipality shall make available copies of any ordinance to the public at cost of reproduction. (Charter, 1/2/1978)

§705. Ordinances Requiring Prior Public Hearing. No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon, of which at least fifteen (15) days public notice shall be published in a newspaper circulating generally in the municipality:

A. Any building code, plumbing code, or other code complete in itself, for the regulation of any trade, occupation or line of activity or undertaking.

B. New taxes or increases in the rate of existing taxes. No prior notice shall be necessary for the reenactment of taxes levied annually at the same rate.

C. Ordinances setting salaries of elected officers.

(Charter, 1/2/1978)

§706. Codification of Ordinances. The municipality shall cause the valid ordinances and the permanent ordinances to be codified and indexed, and the codification shall be kept current by updating on a biennial or more frequent basis. (Charter, 1/2/1978)

§707. Penalties for Ordinance Violations. Violation of an ordinance

shall constitute a summary offense, and prosecution for every such offense shall be according to the practice in the case of summary convictions, except where the laws of Pennsylvania shall specifically provide otherwise. Any ordinance may prescribe a penalty for the violation thereof, which may not exceed the maximum penalty that may be imposed by any non-charter city in the Commonwealth for violation of an ordinance. All fines, penalties and costs collected shall be paid into the municipal treasury; provided, any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate violation. (Charter, 1/2/1978)

§708. Effective Date of Ordinance. The effective date of an ordinance shall be ten (10) days after publication date unless a later date is specified in the ordinance, or required by law; provided, emergency appropriations made pursuant to §1010(2) shall be made effective immediately upon adoption. (Charter, 1/2/1978)



Article VIII

The Mayor

§801. Duties of the Mayor. The Mayor of the municipality shall perform the following duties:

A. Shall be the presiding officer and a voting member of the municipal Council.

B. Shall be the ceremonial head and official representative of the municipal government and shall have the authority to represent the municipality in deliberations with other governmental bodies, except that at any time the Mayor may delegate such authority to any other elected or appointed officer of the municipality.

C. Shall sign all ordinances.

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

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

(Charter, 1/2/1978)



## Article IX

### Municipal Manager

§901. Appointment, Qualifications and Compensation. The Council shall appoint a municipal Manager for an indefinite term and shall fix his compensation. Council may enter into contracts with the municipal Manager which may stipulate terms of employment and severance pay, subject to the limitations of §902. The Manager shall be appointed solely on the basis of his executive and administrative qualifications. During his tenure as municipal Manager he shall not hold any elective governmental office. He need not be a resident of the municipality at the time of his appointment, but may reside outside the municipality while in office only with the approval of Council. (Charter, 1/2/1978)

§902. Removal of Manager. Council, by an affirmative vote of a majority of its members, may remove the Manager at any time, with or without cause. (Charter, 1/2/1978)

§903. Responsibilities and Duties of the Municipal Manager. The Manager shall be the chief administrative officer of the municipality, shall be responsible to Council for the administration of all municipal affairs placed in his charge and shall have the following responsibilities and duties:

A. To appoint and remove department heads, and shall have complete authority in all personnel matters, subject to the Personnel Code and labor contracts entered into by the Municipality of Warren and in accordance with State law.

B. To direct and supervise the administration of all departments, offices and agencies of the municipality, except as otherwise provided by this Charter or by law.

C. To collect and receive, account for, and deposit into the municipal treasury all taxes, fees, assessments, or charges that are levied or established by the municipality for general or specific purposes. Any fees, or other compensation, received from any other taxing body for the collection of taxes shall be added to the general revenue of the municipality. The Manager may designate an officer approved by Council to carry out the above duties.

D. To enforce the ordinances and regulations of the municipality.

E. To prepare the agenda for all meetings of Council, and shall attend all Council meetings, at which meetings the Manager shall have the right to participate in discussions, but shall not have any right or privilege to vote on any matter.

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

G. To make such recommendations to Council concerning municipal policy as he shall deem desirable, or when he shall be instructed by Council to do so. He shall keep Council fully informed as to the conduct of municipal affairs.

H. To prepare and submit to Council such reports dealing with financial, administrative and/or other matters as Council may request of him.

I. To be entitled to attend meetings of any boards, commissions or authorities established by the municipality or of which the municipality is a member.

J. To perform such other duties as are specified in this Charter or as may be required by Council.

(Charter, 1/2/1978)

§904. Acting Municipal Manager. The Manager may designate, in writing, an employee of the municipality to exercise the duties of the Manager during a temporary absence or disability of the Manager, subject to the approval of Council. During such absence or disability, the Council may revoke such designation at any time and appoint another individual to serve until the Manager shall return or the disability shall cease. (Charter, 1/2/1978)

## Article X

### Finance

§1001. Fiscal Year. The fiscal year shall begin on the first (1st) day of January and end on the last day of December of each year, and may be changed by ordinance, or shall automatically be changed when mandated by statute. (Charter, 1/2/1978)

§1002. Tax Levy. At the time the budget is adopted by Council, the required tax levies, proposed in the budget, are considered to be adopted or readopted, unless separate ordinance action is mandated by statute. Council shall have the power to levy any taxes permitted by the Pennsylvania Constitution and the laws of the Commonwealth. (Charter, 1/2/1978)

§1003. Submission of Budget and Budget Message. On or before fortyfive (45) days prior to the end of the fiscal year, the Manager shall submit a proposed budget to Council for the ensuing year and an accompanying message. (Charter, 1/2/1978)

§1004. Budget Message. The budget message, as submitted by the Manager, shall explain the budget both in fiscal terms and in terms of programs, policies, activities and plans. It shall outline the proposed financial policies of the municipality for the ensuing year, describe the important features of the budget, indicate any major changes in financial policies, expenditures and revenues from the current year, together with the reasons for such changes, summarize the municipality's debt position, and include other material Council may request or the Manager may deem advisable. (Charter, 1/2/1978)

§1005. Budget Document. The budget document shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year, and the budget submitted for each shall be balanced in that the total of proposed expenditures shall not exceed the total estimated revenue. The budget shall be in such form as the Manager deems desirable, unless otherwise required by Council. (Charter, 1/2/1978)

§1006. Capital Improvements Program. The Manager shall prepare and include as a separate section in the annual budget submitted to Council, a Capital Improvements Program of capital expenditures of a nonrecurring or long-range nature. (Charter, 1/2/1978)

§1007. Notice and Hearing. Council shall publish in one (1) or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:

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

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

(Charter, 1/2/1978)

§1008. Council Action on the Budget.

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

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

3. Appropriations. Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated.

(Charter, 1/2/1978)

§1009. Public Records. Copies of the budget and Capital Improvements Program, as adopted, shall be public record and shall be made available for public inspection. (Charter, 1/2/1978)

§1010. Amendments During the Fiscal Year.

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

2. Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, Council may by ordinance during the year, make emergency appropriations. To the extent that there are not available unencumbered or unappropriated revenues to meet such emergency appropriations, Council may by ordinance, authorize the issuance of emergency notes, which may be renewed time to time, but such notes and renewals of any fiscal year shall be repaid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

3. Reduction in Appropriations. If at any time during the fiscal year it appears probable that revenues available will be insufficient to meet the amounts appropriated, Council shall take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce or eliminate one (1) or more appropriations.

4. Transfer of Appropriations. At any time during the fiscal year the

Manager may transfer part or all of any unencumbered balance appropriated for programs within a department, office, agency or other unit of organization. Council may, by resolution, at any time during the fiscal year, transfer part or all of any unencumbered appropriated balance from one (1) department, office, agency or other organizational level to another.

5. Limitations. No appropriations for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the amount of the unencumbered balance thereof.

(Charter, 1/2/1978)

§1011. Lapse of Appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered, and thereby shall be reflected in the cash balance estimated to be available at the commencement of the ensuing fiscal year. (Charter, 1/2/1978)

§1012. Independent Audit. Council shall provide for an independent annual audit of all municipal funds by a professional accountant. It may provide for more frequent audits, as well as special audits if it deems necessary, but shall require the financial report, including the audit, to be completed no later than the last day of the fourth (4th) month following the fiscal year being audited. A summary of the results and recommendations of the audit shall be published in a newspaper of general circulation in the municipality. (Charter, 1/2/1978)

§1013. Fidelity Bonds. Before entering upon the duties of their respective offices or positions, the municipal Manager, as well as any officer, agent or employee of the municipality as the Council may determine, shall execute and file with the municipality corporate surety bonds, conditioned for the 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 municipality, shall be approved by the municipal Solicitor. The agency placing such bonds shall be determined by the Council and the premium therefor shall be paid by the municipality. Such bonds may provide for one (1) or more additional obligees in the event that the officer bonded is acting in a dual or similar capacity with other political subdivisions or governmental or quasi-governmental entities. (Charter, 1/2/1978)



## Article XI

### Transition and Continuation

§1101. Rights and Liabilities of the Municipality. The municipality shall continue to own, possess, exercise and/or control all rights and property, of every kind and nature, owned, possessed, exercised and/or controlled by it when this Charter takes effect, and shall be subject to all debts, obligations, liabilities, rights, and duties. (Charter, 1/2/1978)

§1102. Authority of Existing Elected Municipal Officers. The elected municipal officers holding office at the time this Charter becomes effective shall remain in office for the full terms for which they were elected. However, after the first (1st) Monday in January, 1978, they shall have the powers and duties only as set forth in and in pursuance of this Charter. Should the office of any incumbent elected municipal officer whose term expires January 1, 1980, become vacant, for any reason, prior to January 1980, that office shall be abolished. (Charter, 1/2/1978)

§1103. Continuance of Office or Employment of Municipal Administrative Officers and Employees.

1. A municipal administrative officer or employee holding any office or position at the time this Charter takes full effect shall continue in that office or position until the taking effect of some specific provision under this Charter directing that the office or position be abolished.

2. An employee holding a municipal position at the time this Charter takes full effect, who was serving in that same or comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in §502(5) of this Charter.

(Charter, 1/2/1978)

§1104. 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 municipal employee at the time of adoption of this Charter, and the adoption of this Charter shall in no way diminish or remove any such rights and privileges. (Charter, 1/2/1978)

§1105. 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 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 Council to do so. (Charter, 1/2/1978)

§1106. Continuation of Ordinances, Resolutions and Regulations.

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

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

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

(Charter, 1/2/1978)

§1107. Schedule.

1. First Election. At the time of its adoption, this Charter shall be in effect to the extent necessary in order that the first (1st) election of Mayor and members of the municipal Council may be conducted in accordance with the provisions of this Charter. The first (1st) election shall be the primary of 1977.

2. Transition Committee. Council shall appoint a Transition Committee to prepare the necessary ordinances to enable the new Council to effect the Home Rule Charter within four (4) months from the date of the organization meeting in January, 1978. The ordinances shall include, but not be limited to, the Administrative Code, Personnel Code, Purchasing Code, Procedures for Contracts, and Procedural Rules of the Council.

3. Initial Salary of Elected Officers. During the transition period January 1976 to January 1980, when the number of Council members shall be greater than the number specified in this Charter, the salary of the Council shall be pro-rated among the full Council equally, from an amount equal to the total annual salary cost of Council after January, 1980. The Mayor shall receive the initial specified salary of one hundred fifty dollars (\$150.00) per month.

(Charter, 1/2/1978)

## Article XII

### General Provisions

§1201. Severability. If any provisions of this Charter shall be held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provisions of this Charter, it being the intent of the electors of the municipality of Warren that the remaining provisions of this Charter be given full force and effect as completely as if such invalid provisions had not been included herein. (Charter, 1/2/1978)

§1202. Effective Date. This Charter, except for the Transition Schedule in §1107, shall become effective on the first (1st) Monday of January 1978, and the municipal government shall operate under the terms and provisions of the Charter from and after the said effective date. (Charter, 1/2/1978)

