

## **ARTICLE I. NAME, BOUNDARIES, EFFECTIVE DATE, AND SEVERABILITY**

- §1.1. Name
- §1.2. Boundaries
- §1.3. Effective Date
- §1.4. Severability

### **§1.1. Name.**

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

### **§1.2. Boundaries.**

The boundaries of the City shall be the actual boundaries of the City at the time this Charter takes effect and as they may be lawfully changed thereafter. See Exhibit "A".

### **§1.3. Effective Date.**

This Charter shall become effective on the first Monday of January, 2015 with regard to any matter set forth in this Charter with the exception of any matter directly related to any elective and/or appointive office and/or any City employee and the municipal government shall operate under the terms and provisions hereof from and after the said effective date. Any matter directly related to elective and/or appointive offices and/or any City employee set forth herein shall become effective on the first Monday of January, 2016 and the said offices and/or City employee shall operate under the terms and provisions hereof from and after the said effective date and until such time shall be governed by the Third Class City Code and the Council-Manager Plan of the Home Rule Charter and Optional Plans Law.

### **§1.4. Severability.**

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

## **ARTICLE II. POWERS OF THE CITY**

- §2.1. General Powers
- §2.2. Construction
- §2.3. Intergovernmental Relations

- §2.4. Residual Powers in the City Council
- §2.5. Eminent Domain

**§2.1. General Powers.**

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

**§2.2. Construction.**

The powers of the City under this Charter shall be construed broadly in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article. All possible powers of the City, except as limited in Section 2.1 above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the City or may hereafter from time to time become available.

**§2.3. Intergovernmental Relations.**

The City 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 or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**§2.4. Residual Powers in the City Council.**

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

**§2.5. Eminent Domain.**

The City shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

**ARTICLE III. CITY COUNCIL**

- §3.1. General Powers and Duties
- §3.2. Eligibility, Terms of Office, Composition and Quorum
- §3.3. Compensation
- §3.4. Prohibitions

§3.5. Vacancies; Filling of Vacancies

§3.6. Appointment of Controller

**§3.1. General Powers and Duties.**

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

**§3.2. Eligibility, Terms of Office, Composition and Quorum.**

1. Eligibility.

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

2. Terms of Office.

The term of office of all elected officials shall be four (4) years determined from the first Monday of January immediately following their election and, with the exception of Mayor, shall be eligible for reelection. The Mayor shall be eligible to succeed himself or herself for a total of not more than three (3) elective terms.

3. Composition.

The Council shall be composed of seven (7) members: the Mayor and six (6) additional Council Members elected at large. The Mayor shall devote full-time efforts to the performance of the duties of the position as established by this Charter. Other Council Members are expected to devote part time to the performance of their duties.

4. Quorum.

The action of a majority of the members of Council shall constitute a quorum. The action of a majority of the Council present and entitled to vote, unless otherwise stated in this Charter, shall be binding upon and constitute the action of the Council.

**§3.3. Compensation.**

Council shall establish, by ordinance, the compensation of the Mayor, and other Council Members, but such ordinances will not take effect until the date of the

commencement of the terms of Council Members elected at the next regular municipal election, provided that such election follows the adoption of such ordinance by at least six (6) months. In the event Council shall fail to establish such compensation by ordinance by at least six (6) months prior to the next regular municipal election, then in the event of such failure to act, the said salaries shall be automatically adjusted by the average percentage increase or decrease, whichever is applicable, for the two (2) years previous to the next regular municipal election, received by all department heads which said adjusted salaries shall be effective on the date of the commencement of the terms of the individuals elected to such positions at the next regular municipal election. The “average percentage increase” shall be determined by the City Manager, and presented at a meeting of Council and thereafter certified by the City Clerk prior to the 15<sup>th</sup> day of February of the year of the said regular municipal election. The Mayor shall be entitled only to the compensation set for the office of Mayor for all of the duties performed by the Mayor. The Mayor and other Council Members shall be allowed their actual expenses.

#### **§3.4. Prohibitions.**

1. No Council Member shall hold any other compensated, elected, or appointive City office or City employment.
2. No Council Member shall serve as a compensated elected official in the Commonwealth of Pennsylvania or any political subdivision thereof.
3. No former Council Member shall hold any compensated appointive City office or City employment or be a paid consultant to the City until one (1) year after his or her resignation or one (1) year after the expiration of the term for which the member was elected or appointed to the Council.
4. Except for the purpose of inquiries to obtain information needed by them in the discharge of their duties, the Council and/or its members, shall deal with City officers, directors, and employees who are subject to the direction of the City Manager, through the City Manager.
5. Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any City administrative officers or employees whom the City Manager is empowered to appoint except as otherwise provided in this Charter, however, Council may by a majority vote of its total membership, remove any person appointed by the Council under this Charter.
6. No Council Member shall serve as an employee of any municipal authority which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the member was elected or appointed to Council. A Council Member, however, during such Council Member’s term of office, shall be eligible for appointment to any such municipal authority and shall be eligible, if so appointed, to serve

as an officer of any such municipal authority.

7. Any Council Member who has a financial interest, direct or indirect, or by reason of ownership of stock, in any corporation in any sale of land with the City or in any contract with the City shall immediately make publicly known their interest and shall refrain from voting upon or otherwise participating in the sale of such land or making of such contract. A statement of such interest shall be filed with the City Clerk. Any Council Member who willfully conceals such interests shall be guilty of malfeasance in office. Violation of this section, with the knowledge expressed or implied of the person or corporation contracting with or making sale to the City, shall render the contract or sale voidable by the City.

### **§3.5. Vacancies; Filling of Vacancies.**

#### 1. Vacancies.

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

#### 2. Filling of Vacancies.

A vacancy in the office of Mayor and/or any other member of Council shall be filled by a majority vote of the remaining members of Council choosing a qualified person to serve until that first Monday of January when his or her successor is duly sworn into office for the remainder of the term of the person originally elected to the office. The successor shall be elected at the next municipal election occurring at least fifty (50) days after the vacancy begins. If the Council fails to act within thirty (30) days following the occurrence of the vacancy, the Court of Common Pleas of Blair County shall, upon petition of three (3) members of Council or ten (10) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City.

### **§3.6. Appointment of Controller.**

City Council, by a majority vote of its total membership, may appoint a Controller who shall serve at the pleasure of Council for an indefinite term and shall fix the Controller's compensation. The Controller shall be a certified public accountant and may be one person or a firm, partnership, association or professional corporation. The Controller shall have such duties as may be assigned by the City Council.

## **ARTICLE IV. MAYOR**

- §4.1. Chief Executive Officer
- §4.2. Powers and Duties
- §4.3. Nominations

### **§4.1. Mayor as Chief Executive Officer.**

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

### **§4.2. Powers and Duties of the Mayor.**

1. The Mayor shall serve as a member and Chair of the Council.
2. Facilitate the faithful execution of all laws, provisions of this Charter, and acts of the City Council, however, pursuant to Section 3.4 (4), the Mayor may not direct any employee and/or official of the City, including the Manager and must act with Council, as a body, to direct the Manager.
3. Facilitate the submission of an annual budget and any necessary capital budget as may be required by the Administrative Code set forth in Section 8.1 to the City Council.
4. Submit and present to the Council at the beginning of each year a comprehensive "State of the City and Its Government" report with recommendations.
5. Facilitate the work of the Council in developing policy.
6. Lead the Council in the development of long-term goals for the City and strategies to implement those goals.
7. Encourage and support regional and intergovernmental cooperation.
8. Promote partnerships among Council, staff and citizens in developing public policy in building a sense of community.
9. Actively promote economic development to broaden and strengthen the commercial and employment base of the City. Encourage programs for the physical, economic, social and cultural development of the City.

### **§4.3. Nominations by the Mayor.**

- A. In the event of a vacancy in any of the positions hereinafter set forth in this Section 4.3 (A) (1) and (2), the Mayor shall nominate a replacement for such

vacant position and Council, by a majority vote of its total membership may make such appointment; and in the event Council by a majority vote of five (5) of its members or a majority plus one in the event vacancies in office prevent five members being present to vote, rejects any such nomination by the Mayor, Council may appoint by a majority vote of five (5) of its members or a majority plus one in the event vacancies in office prevent five members being present to vote, without further nomination by the Mayor:

1. The City Manager.
  2. All members of authorities, boards, and commissions.
- B. Until such time as any of the positions listed in Section 4.3 (A) (1) and (2) have been filled pursuant to said Section 4.3, Council may, without nomination by the Mayor, by a majority vote of its total membership, fill any such vacancy on an interim basis until such position is filled pursuant to Section 4.3.

## **ARTICLE V. CITY MANAGER**

- §5.1. Appointment; Qualifications; Compensation.
- §5.2. Removal
- §5.3. Acting City Manager
- §5.4. Powers and Duties

### **§5.1. Appointment; Qualifications; Compensation.**

Following nomination by the Mayor or as otherwise set forth in §4.3 of this Charter, the City Council, shall appoint a City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local government management. The City Manager need not be a resident of the City or State at the time of appointment.

### **§5.2. Removal.**

The Council may, by a majority vote of its total membership, remove the City Manager at any time, with or without cause.

### **§5.3. Acting City Manager.**

By letter filed with the Mayor and Council, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of City Manager during the Manager's temporary absence or disability.

#### **§5.4. Powers and Duties.**

The City Manager shall be the Chief Administrative and Operating Officer of the City, responsible to the Council for the management of all City affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- (1) Appoint and suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager shall appoint the directors of departments. The City Manager may authorize any administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency. The City Manager shall annually submit a human resources manual to the City Council for approval.
- (2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
- (3) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote.
- (4) Prepare the annual budget and any necessary capital budget as may be required by the Administrative Code set forth in Section 8.1 for the Mayor and the City Council, and implement the final budget approved by Council to achieve the goals of the City.
- (5) Submit to the Mayor and City Council, and make available to the public, a complete report on the finances and administrative activities of the City at the end of each fiscal year.
- (6) Make such other reports as the City Council may require concerning operations and recommend plans, performance measures, and bench marks to the Mayor to be included in the annual "State of the City and Its Government" message.
- (7) Keep the Mayor and City Council fully advised as to the financial condition and future needs of the City.
- (8) Provide staff support services for the Mayor and Council Members.
- (9) Perform such other duties as are specified in this Charter or may be required by the City Council, including but not limited to, the faithful execution of all laws, provisions of this Charter, and acts of the City Council.



## ARTICLE VI. CITY CLERK

- §6.1. Appointment and Compensation
- §6.2. Removal
- §6.3. Powers and Duties

### **§6.1. Appointment and Compensation.**

The City Council shall, by a majority vote of its total membership, appoint a City Clerk for an indefinite term and shall fix compensation. The person so appointed shall be a notary public or become the same within one year of appointment to the position.

### **§6.2. Removal.**

The Council may, by a majority vote of its total membership, remove the City Clerk at any time, with or without cause.

### **§6.3. Powers and Duties.**

The City Clerk shall:

- (1) Attend all meetings of the Council and shall keep full minutes of its proceedings.
- (2) Transcribe the bylaws, rules, regulations, resolutions, and ordinances into appropriate books kept for those purposes.
- (3) Preserve the records and documents of the City and shall have custody of the corporate seal.
- (4) Certify copies of any book, paper, record, bylaw, rule, regulations, resolution, ordinance or other proceedings of the City under the seal of the City.
- (5) Attest to the execution of all instruments and record all ordinances.
- (6) File or record proof of service of all notices required by law or ordinance and the City Clerk's certificate thereof shall be good evidence of such notice.
- (7) Deliver to the successor the seal and all the books, papers and other records and matters belonging to the City.
- (8) Perform such other duties as are required by the Manager or Council.

## **ARTICLE VII. CITY SOLICITOR**

§7.1. Appointment, Qualifications and Compensation

§7.2. Removal

§7.3. Powers and Duties

### **§7.1. Appointment, Qualifications and Compensation.**

The City Council, by a majority vote of its total membership, shall appoint a City Solicitor for an indefinite term and shall fix the Solicitor's compensation. The City Solicitor shall be an official of the City and shall be appointed either on a full time basis or a part time basis or on a retainer basis or a combination thereof, where the Solicitor shall serve the City as needed and required. The City Solicitor shall be admitted to practice before the Supreme Court of Pennsylvania and may be one person or a law firm, partnership, association or a similar professional entity.

### **§7.2. Removal.**

The Council may, by a majority vote of its total membership, remove the City Solicitor at any time, with or without cause.

### **§7.3. Powers and Duties.**

The City Solicitor shall be the chief legal officer of the City. The City Solicitor shall have the following powers and duties:

- (1) The City Solicitor shall furnish legal advice to the City Council, to the Manager, and to all boards and commissions concerning any matter or thing arising in connections with the exercise of their official powers or performance of their official duties and, except as otherwise expressly provided by the Council, shall supervise, direct and control all of the law work of the City. In the event of legal conflict between City Council and City Council created boards or commissions, City Council shall provide funds for legal counsel to that board or commission.
- (2) The City Solicitor shall, at the direction of Council, collect, or cause to be collected, by suit or otherwise, all debts, taxes and accounts due the City which shall be placed with the City Solicitor for collection by any officer, department, board or commission, and shall represent the City and every officer, department, board or commission in all litigation.
- (3) The City Solicitor shall prepare or approve all contracts, bonds and other instruments in writing in which the City is concerned, and shall approve all surety bonds required to be given for the protection of the City.

- (4) At the direction of the Council, the City Solicitor shall investigate any violation or alleged violation within the City of statutes of the Commonwealth of Pennsylvania or of the United States of America or of ordinances of the City or the County, and shall take such steps and adopt such means as a may be reasonably necessary or appropriate to enforce or cause the enforcement within the City of such statutes and ordinances.
- (5) Upon the request of the City Council or of the chairman of any committee of City Council or the City Manager, the City Solicitor shall prepare any ordinance or resolution for presentation before the City Council.
- (6) At the direction of the City Council the City Solicitor shall appear for and represent the City, or, if appropriate, the residents of the City as a class, on matters before the various regulatory agencies of other governmental bodies.

## **ARTICLE VIII. ADMINISTRATIVE DEPARTMENTS**

§8.1. Administrative Code

§8.2. General Provisions

### **§8.1. Administrative Code.**

The Council shall establish, by ordinance, an Administrative Code for the City. Said Code shall be adopted within six (6) months of the effective date of this Charter.

### **§8.2. General Provisions.**

1. Creation of Departments. The Council may establish boards, commissions, authorities, City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all boards, commissions, authorities, departments, offices and agencies, except that no function assigned by this Charter to a particular board, commission, authority, department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.
2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of Council, the Manager may temporarily serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

## **ARTICLE IX. ORDINANCES AND RESOLUTIONS**

- §9.1. Certain Specific Action Requiring an Ordinance
- §9.2. General Ordinance Requirements
- §9.3. Ordinance Enactment
- §9.4. Publication and Effective Date of Ordinances
- §9.5. Emergency Ordinances
- §9.6. Penalties
- §9.7. Authentication and Recording; Codification; Printing

### **§9.1. 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 City Council shall be by ordinance which:

- (1) Adopt or amend the annual budget and the capital program.
- (2) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency.
- (3) Adopt or amend a manual establishing a human resources system for the City.
- (4) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (5) Levy taxes.
- (6) Grant, renew or extend a franchise.
- (7) Establish, alter or abolish rates charged for any utility or other service supplied by the City.
- (8) Authorize the borrowing of money.
- (9) Convey or lease or authorize the conveyance or lease of any lands of the City.
- (10) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.

### **§9.2. General Ordinance Requirements.**

- 1. Form. Every proposed ordinance shall be in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title.
- 2. Procedure. An ordinance may be introduced by any member at any regular or special

meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the Manager, and shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate. Notice of all proposed ordinances shall be published not less than seven (7) days before passage. Notice shall include either the full text or a brief summary of the proposed ordinance, which lists the major provisions in reasonable detail and a reference to the place within the City where copies of the proposed ordinance may be examined. If the City Solicitor determines that substantial amendments are made in the proposed ordinance, before voting upon enactment, the City Clerk shall, at least seven (7) days before enactment, publish a brief summary setting forth the major provisions in reasonable detail, together with a summary of the amendments. Where maps, plans or drawings of any kind are adopted as part of an ordinance, instead of publishing them as part of the ordinance, the notice may refer to the place where such documents are on file and may be examined.

**§9.3. Ordinance Enactment.**

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 where final action thereon was taken. However, failure on the part of the presiding officer to sign an ordinance shall not in any way invalidate an otherwise valid ordinance.

**§9.4. Publication and Effective Date of Ordinances.**

1. Effective Date. Except as otherwise provided in this Charter or in the ordinance being adopted, every adopted ordinance shall become effective within ten (10) days of enactment thereof.
2. "Publish" Defined. As used in this section, the term "publish" or as the case may be "re-publish" means to notify the public by contemporary means of information sharing including but not limited to, newspapers of general circulation in the City and on the City's website. In the event that applicable law would permit a proposed ordinance to be published by means not requiring newspaper publication, City Council may adopt an ordinance allowing any proposed ordinance to be published in such a manner.

**§9.5. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in this Charter. An emergency ordinance may be adopted at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption, or a majority plus one in the event vacancies in office prevent five members being present

to vote. The ordinance need not be published prior to adoption, but must be published as soon as possible thereafter and shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists.

**§9.6. Penalties.**

The penalty for the violation of any ordinance shall be that prescribed by City Council for each violation and if no penalty shall be set forth, the penalty shall be as prescribed by Council by ordinance establishing such penalties. Council may in any ordinance, provide that for continuing violations each day that a violation exists may be regarded as a separate offense and punishable as such.

**§9.7. Authentication and Recording; Codification; Printing.**

1. Authentication and Recording. The City Clerk shall authenticate by the Clerk's signature and record in full in a properly indexed book kept for the purpose of all ordinances and resolutions adopted by City Council, however, failure to authenticate and record shall not in any way invalidate an otherwise valid ordinance.
2. Codification. The City currently has a codification of its ordinances known as the Code of the City of Altoona. This Code shall be continuously updated and amended in order to keep it as current as possible. Copies of the Code shall be furnished to City officers and be available, on a website for free public reference and made available for purchase by the public pursuant to applicable law.

**ARTICLE X. CONTRACTS**

- §10.1. Requirements.
- §10.2. Competitive Bidding
- §10.3. Bidding Procedure
- §10.4. Exceptions to Competitive Bidding
- §10.5. Maximum Term of Certain Contracts
- §10.6. Adjustments to Bid Amount Based on Consumer Price Index
- §10.7. No Bids Received

**§10.1. Requirements.**

All contracts of the City involving sums in excess of nineteen thousand one hundred dollars (\$19,100.00), subject to adjustment under section 10.6 herein, shall be publicly bid and shall be in writing and shall be executed on behalf of the City by the Mayor or, in the Mayor's absence, the City Manager. The Mayor shall also execute all contracts,

regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Manager shall execute contracts on behalf of the City involving sums of less than the then current amount required to be publicly bid made pursuant to budget or other prior authorization. Authorization of contracts for the construction of public capital improvements shall be given by ordinance. Any officer required to execute a written contract may request the City Solicitor to approve the same as to form.

**§10.2. Competitive Bids.**

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

**§10.3. Bidding Procedure.**

The City Council shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver and exceptions as it shall from time to time deem advisable.

**§10.4. Exceptions to Competitive Bidding.**

Competitive bidding shall not be required under this Charter for:

- (1) Labor or services rendered by any City officer or employee.
- (2) Labor, material, supplies, or services furnished by any City department to another City 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 requirement herein for requirement of competitive bids as such number is updated pursuant to Section 10.6 herein.
- (5) Contracts relating to the acquisition or use of real property.
- (6) Contracts for professional or unique services.
- (7) Contracts for insurance and surety company bonds and contracts made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission.

- (8) Contracts for emergency repair of property of the City and/or during a state of emergency declared by the Mayor.
- (9) Contracts with other governmental entities, council of governments, public utilities, authorities, agencies or political subdivisions, including the sale, leasing or loan of any supplies or materials by the Commonwealth or the Federal government, or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal government, or their agencies. This exception shall include purchasing such supplies or materials from contracts bid by the Commonwealth, the Federal government and their agencies.
- (10) Contracts where particular types, models or pieces of equipment, articles apparatus, appliances, vehicles or parts thereof which are patented and manufactured products.

**§10.5. Maximum Term of Certain Contracts.**

The term of contracts for the purchase of supplies shall not exceed two (2) years.

**§10.6. Adjustments to Bid Amount Based on Consumer Price Index.**

Adjustments to the base bid amounts specified under Sections 10.1 and 10.4 of this Article X shall be made as follows:

- (1) The Department of Labor and Industry (Department) or its successor Department at the time of the adoption of this Charter is required to determine, and publish the same annually in the *Pennsylvania Bulletin*, the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2014, and for each successive twelve-month period thereafter.
- (2) If the Department determines that there is no positive percentage change, then no adjustment to the base bid amounts shall occur for the relevant time period provided for in this Article X.
- (3) (i) If the Department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts. (ii) The preliminary adjusted amounts shall be rounded to the nearest one hundred dollars (\$100) to determine the final adjusted base amounts for purposes of this Article X.



- (4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums thereof shall be rounded to the nearest one hundred dollars (\$100) to determine the new final adjusted base amounts for purposes of this Article X.
- (5) In the event the Department is no longer required to make such annual determinations in the percentage change for any reason, the City Manager shall make such determination as set forth above and adjust the base bid amount accordingly.

**§10.7. No Bids Received.**

The City may purchase or make contracts under 73 P.S. § 1641 et seq. as amended, authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received, if no bids are received on an item after proper notices.

**ARTICLE XI. TRANSITION**

- §11.1. Purpose.
- §11.2. Initial Elections.
- §11.3. Initial Salaries of Elected Officials.
- §11.4. Continuation of Boards and Commissions.
- §11.5. Specific Transfer of Functions.
- §11.6. Personnel.
- §11.7. Legal Continuity.
- §11.8. Transition Committee.

**§11.1. Purpose.**

The purpose of this Article is to establish an orderly procedure for the transition to the new form of government provided by this Charter. The provisions of this Article address the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding Articles of this Charter, the provisions of this Article shall constitute temporary exceptions.

**§11.2. Initial Elections.**

- 1. 2015 Election. The following elected officials shall be nominated at the primary election, in May 2015, and shall be elected at the municipal election in November 2015 for the following terms:

- A. One Mayor, for a term of four (4) years.
  - B. Two (2) members of City Council, for a term of four (4) years.
  - C. The four remaining members of City Council shall be elected at the municipal election in November, 2017, for a term of four (4) years.
2. Vacancy. If any of the elected offices become vacant between January 1, 2015 and January 1, 2016, such vacancy shall be filled as provided for in the Charter.

**§11.3. Initial Salaries of Elected Officials.**

The Members of City Council elected at the municipal election of 2015 shall be initially compensated at the annual salaries set by City Council as recommended by the Transition Committee. Such salaries shall be set by Council by Ordinance prior to February 15, 2015 and if not so set, said salaries shall be as recommended by the Transition Committee. These salaries of elected officials shall continue until changed in accordance with this Charter.

**§11.4. Continuation of Boards and Commissions.**

All board and commissions established for or under the authority of the City before the effective date of this Charter shall continue to exist and operate unless abolished by the Charter or by ordinance of City Council. Members of the boards and commissions existing on the effective date of this Charter and not abolished by its provisions shall remain in office for as long as their respective terms continue or until the status of their respective terms continue or until the status of their respective boards or commission shall be altered by City Council. Vacancies in the membership of such boards and commissions shall be filled in accordance with the Charter.

**§11.5. Specific Transfer of Functions.**

The duties, functions and powers assigned by law and not inconsistent with this Charter are hereby transferred to City Council or to the Mayor in accordance with this Charter. If a department, office or agency is abolished by the Charter, its functions, powers and duties shall be transferred to the department, office or agency designated by the Charter or, if the Charter makes no such provision, as designated by ordinance. All departments, offices and agencies shall continue until abolished or modified.

**§11.6. Personnel.**

1. Charter Effect on Employees. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary, tenure, residency, retirement or pension benefits; employments; leave with pay; or, other

personal rights. Nothing in this Charter shall diminish the rights and privileges of any former employee in their pension or retirement benefits.

2. Exemption from Competitive Tests. Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the human resources system provided for in this Charter.

#### **§11.7. Legal Continuity.**

1. City Laws. All City ordinances, resolutions, rules and regulations which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.
2. Legal Actions. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.
3. Property, Records and Equipment. All property, records and equipment of any agency existing on the effective date of this Charter shall be transferred to the agency assuming its powers and duties; but, in the event that the powers and duties are to be discontinued or divided between agencies, or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more agencies designated by City Council in accordance with this Charter.

#### **§11.8. Transition Committee.**

1. Establishment and Powers. Within ten (10) days of the election held in November 2014, there shall be a Transition Committee established consisting of five (5) persons to facilitate the transition from the existing form of government to the form of government established by this Charter. The Transition Committee may draft necessary documents in order that they may be adopted on or after the effective dates of this Charter.
2. Membership. The Transition Committee shall include:
  - A. Two (2) members and one (1) alternate member of the City Council in office as of November 2014, said members to be selected by the Mayor.
  - B. Three (3) members of the City of Altoona Government Study Commission and one (1) alternate member, said members to be selected by the Chairman of the Commission.
3. Vacancies. Any vacancy on the Transition Committee shall be filled by the respective alternate member previously appointed. In the event the alternate member is unable to

serve for any reason, the vacancy shall be filled by a majority of the remaining members of the Transition Committee.

4. Compensation. The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.

## **ARTICLE XII. INITIATIVE AND REFERENDUM**

- §12.1. Initiative and referendum.
- §12.2. Limitations on initiative and referendum.
- §12.3. Initiative and referendum petition.
- §12.4. Effect of petition.
- §12.5. Action by City Clerk.
- §12.6. Action by Council.
- §12.7. Failure to act.
- §12.8. Results of election.
- §12.9. Rescinding petition.

### **§12.1. Initiative and Referendum.**

The qualified voters of the City shall have the power, subject to the procedures and limitations set forth herein, to propose the initiation of ordinances or the repeal of ordinances previously enacted by the Council. The Council shall give consideration to any matters brought to its attention by the process of initiative, and if the Council should fail to act affirmatively in response to such petition, the action desired by the petitioners shall be submitted to referendum of the qualified voters of the city under procedures set forth in this Article.

### **§12.2. Limitations on Initiative and Referendum.**

Initiative and referendum may not be used to:

- A. Alter ordinances enacting or amending the annual operating and capital budgets of the City; however, such action may be taken with respect to any ordinance authorizing the establishment of specific programs and projects.
- B. Alter the salaries of City officials and employees.
- C. Alter or rescind any ordinance providing for the levy and collection of taxes, special assessments, service charges, fees, rates or other charges for City services.
- D. Alter more than one (1) subject matter per initiative; the subject shall be clearly contained in the title of the initiative.

### **§12.3. Initiative and Referendum Petition.**

All petition papers for the purpose of initiating or repealing an ordinance shall:

- (1) Bear in ink the signature, addresses and date of signing of at least One Thousand (1,000) registered voters of the City.
- (2) Contain the names and addresses of at least three (3) voters designated as the Committee of Petitioners and the person designated as Chairperson of the Committee.
- (3) In the case of initiating an ordinance, identify the title, date and a summation of the significant substance of the ordinance proposed.
- (4) Contain on each page an affidavit executed by the circulator of the petition that all signatures thereon are genuine and were affixed in the presence of the circulator on the date indicated only after the signer had an opportunity to read the full text prior to signing.
- (5) Be circulated and signed within a period of forty-five (45) days between the date of the first signature and the date at which the petition papers are submitted to the City Clerk as provided herein.
- (6) Be submitted to the City Clerk, who shall take the action specified in this Charter.

### **§12.4. Effect of Petition.**

If the petition calls for the repeal of an ordinance which was not in effect at the time the petition was filed with the City Clerk, the effective date of the ordinance will be suspended until a final decision has been made on the petition. If the ordinance was in effect at the time the petition was filed with the City Clerk, the ordinance will remain in effect until repealed by the Council or by referendum.

### **§12.5. Action by City Clerk.**

Upon receipt of a petition to initiate or repeal an ordinance, the City Clerk must take the following action:

- (1) Within twenty (20) days of receiving the petition, the City Clerk shall examine the petition for compliance with the provisions of this Charter with respect to the form and sufficiency of signatures and shall advise the Chairperson of the Committee of Petitioners by registered mail of the results of such examination.
- (2) If the purpose of the petition is to initiate an ordinance, the City Clerk shall

immediately refer a copy of the ordinance to the City Solicitor, who shall, within five (5) days, certify to the City Clerk whether or not the proposed ordinance is lawful under general law or this Charter and whether or not the proposed ordinance is in proper form or can be so written without changing the substance. If the Solicitor considers the proposed ordinance to be lawful but defective in form, the Solicitor shall provide a draft in proper form. The City Clerk shall report the findings of the Solicitor in the report to the Chairperson of the Committee of Petitioners.

- (3) Within ten (10) days of receiving the response of the City Clerk, the Chairperson of the Committee of Petitioners may notify the City Clerk of the Committee's acceptance of the report and the revised draft, if any, of the ordinance and shall remedy any minor procedural deficiencies, if any, cited by the City Clerk in the report to the Committee. Otherwise, the matter will be considered to be abandoned, and any further action must be initiated by a new petition.
- (4) If the City Clerk finds the petition to be sufficient, the City Clerk should, within twenty (20) days after receipt, place the proposed ordinance on the agenda for consideration at the next regularly scheduled meeting of the Council which shall occur at least seven (7) days after advertisement as provided herein.
- (5) The City Clerk shall advertise the proposed ordinance in the same manner as an ordinance initially approved by the Council as stated in this Charter.

#### **§12.6. Action by Council.**

Unless the petition is rescinded by action of the Committee of Petitioners as provided in this Article, the Council must accept or reject the proposed ordinance or repeal of an ordinance at the advertised meeting. No amendments may be made which materially change the substance or effect of the proposed ordinance.

#### **§12.7. Failure to Act.**

If within sixty (60) days of submission of the petition to the City Clerk the Council shall fail to adopt the proposed ordinance or repeal of an ordinance without any change in substance, the Chairperson may, within ten (10) days, request the City Clerk to file the petition with the election officers of Blair County and request that the proposed ordinance or repeal of an ordinance be submitted for referendum to the voters of the City at the next election, municipal, general or primary, which shall occur not less than sixty (60) days from the date of certification of the petition to the county election officers. The City Clerk must file the petition within ten (10) days of being notified, in writing, by the Chairperson of the Committee of Petitioners. Prior to the election, the proposed ordinance or description of the ordinance to be repealed shall be published as required by the Pennsylvania Election Code. See 25 P.S. § 2600 et seq. No referendum shall be taken

under this Article other than at the time of a regularly scheduled election.

**§12.8. Results of Election.**

If a proposed ordinance or repeal of an ordinance is rejected in the referendum, no further action may be initiated by petition of the same subject within five (5) years from the date of the election at which the proposal was defeated. However, the Council will retain the option of adopting a similar ordinance or repealing previous ordinances at its discretion. If a majority of the qualified electors voting on the question favor the adoption of a proposed ordinance or repeal of an ordinance previously enacted, the new ordinance shall become effective or the repealed ordinance shall become void upon certification of the election results. The City Clerk shall add new ordinances to or delete repealed ordinances from the record book and the Code of Ordinances. The Council shall take no action to repeal or significantly modify an ordinance adopted by initiative and referendum within a period of two (2) years from the date of the election at which the ordinance was approved.

**§12.9. Rescinding Petition.**

Before final action is taken by the Council or by the County Election Officers, if the matter has been certified to them for referendum, the Committee of Petitioners may, by majority vote of its members, elect to rescind the petition and thereupon notify, in writing, the City Clerk and, if necessary, the County Election Officers of such decision. If such action is taken, the matter will be closed and any further action may be taken only by a new petition.