

ORDINANCE NO. 2012-20

AN ORDINANCE OF THE RADNOR TOWNSHIP BOARD OF COMMISSIONERS, DELAWARE COUNTY, PENNSYLVANIA, PROPOSING AMENDMENTS TO THE RADNOR TOWNSHIP HOME RULE CHARTER IN ACCORDANCE WITH THE PENNSYLVANIA HOME RULE CHARTER AND OPTIONAL PLANS LAW, AMENDING ARTICLE I PERTAINING TO INTERPRETATIONS, ARTICLE II PERTAINING TO THE BOARD OF COMMISSIONERS' TERM OF OFFICE, VACANCIES, MEETING PROCEDURES, RECORDS AND REPORTS; AMENDING ARTICLE V, MANAGER POWERS AND DUTIES AND ARTICLE VI, ADMINISTRATION; AND REQUESTING THE BOARD OF ELECTIONS TO PLACE THE PROPOSED REFERENDUM QUESTIONS ON THE MAY 21, 2013 PRIMARY BALLOT.

WHEREAS, the Radnor Township Home Rule Charter was approved by the voters in November, 1976 and became effective January 1, 1977; and

WHEREAS, the Board of Commissioners of Radnor Township has determined that the Charter should be reviewed and updated in order to increase the efficiency of Radnor Township government; and

WHEREAS, the Radnor Township Board of Commissioners appointed ten members to the Radnor Township Charter Review Committee on April 11, 2011; and

WHEREAS, the Report of the Charter Review Committee was issued to the Board of Commissioners on May 31, 2012 recommending revisions to the existing Radnor Township Home Rule Charter.

NOW, THEREFORE, be it *ORDAINED* and *ENACTED* by the Board of Commissioners of Radnor Township that the following amendments to the Radnor Township Home Rule Charter are proposed in accordance with the Home Rule and Optional Plans Law and the Pennsylvania State Election Code.

Section 1. Article I, Name and Powers of Government.

The Radnor Township Board of Commissioners hereby initiates a referendum to amend §1.04 to read as follows:

§ 1.04. Interpretation.

The powers of the Township shall be construed liberally in favor of the Township. Any specific powers enumerated in this Charter shall not be construed as limiting in any way the general powers of the Township as stated in this Article. All references to the Township website shall be understood to include, when and if current website technology is replaced, any succeeding form

of general communication with the public that is adopted by the Board. All references to days shall be understood to mean calendar days unless specified otherwise.

Section 2. Article II, Board of Commissioners.

The Radnor Township Board of Commissioners hereby initiates a referendum to amend §2.03, §2.04, §2.05.B., §2.09.E. and F., §2.10, and §2.11 to read as follows:

§ 2.03. Election and terms of office.

- A. The township shall consist of 7 electoral districts (Wards), each of which shall as nearly as possible: (a) be equal in population, (b) be formed of compact and contiguous territory, and (c) follow existing governmental, natural geographic, and/or major manmade boundaries and barriers, with boundary lines running down the middle of streets. No later than ten months following the public release of the decennial U.S. Census reports, the Board shall by ordinance draw new ward lines according to the above criteria. If in any such redistricting a commissioner is removed from his/her ward, he/she shall continue to represent such ward until the conclusion of his/her term in office.
- B. The Commissioner for each Ward shall be elected by the electors of the Ward in a municipal election in accordance with the election laws of the Commonwealth of Pennsylvania and the provisions of this Charter. [On the effective date of this Charter the number and boundaries of each Ward shall correspond exactly to the number and boundaries existing on the effective date of this Charter.]

All Commissioners representing even numbered Wards shall be elected at the municipal election held in 2013 [1977] and shall be elected thereafter at 4 year intervals. All Commissioners representing odd numbered Wards shall be elected at the municipal election held in 2015 [1979] and shall be elected thereafter at 4 year intervals.

§ 2.04. Vacancies.

- A. The office of a Commissioner shall become vacant upon death, resignation, change in residence from Ward represented, or determination of mental disability by a court of competent jurisdiction of the Commonwealth of Pennsylvania. [or recall under the provisions of this Charter.] A vacancy in the office of a Commissioner might also occur upon the filing of a petition or complaint by any Commissioner or any 5 registered electors of the Ward and then upon final determination of forfeiture of office by any court of competent jurisdiction of the Commonwealth of Pennsylvania upon any of the grounds which follow.

- (1) Lack, at any time during the term of office, of any qualification for the office prescribed by this Charter or by law.

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- (2) Willful violation of any specific prohibition of this Charter at any time during the term of office.
- (3) Conviction of any crime punishable by imprisonment for a term exceeding one year under the laws of this Commonwealth or conviction of any comparable crime under the laws of any other State or of the United States during the term of office.

§2.05. Filling of Vacancies.

[B. Should the Board, for any reason, fail to fill a vacancy within thirty (30) days after the vacancy occurs, any court of competent jurisdiction of the Commonwealth of Pennsylvania, upon petition of any Commissioner or any five registered electors of the ward, shall make an interim appointment of a qualified person to fill the vacancy.]

B. If the Board shall refuse, fail, neglect, or be unable, for any reason whatsoever, to fill such vacancy within 30 days after the vacancy occurs, then the vacancy shall be filled within 15 additional days by the Vacancy Board. The Vacancy Board shall consist of the Board of Commissioners and one elector of the Township, who shall be appointed by the Board at the Board's annual reorganization meeting or as soon thereafter as practical. Said elector shall act as the Chairman of the Vacancy Board. If the Vacancy Board fails to fill the position within 15 days, then the Court of Common Pleas of Delaware County, Pennsylvania, shall, upon petition of the Board of Commissioners or any 5 qualified electors of the Township, fill the vacancy in such office by the appointment of a person meeting the qualifications of this Charter.

§ 2.09. Procedures.

[E. Board Caucus.

Caucus meetings of the Board, held for the purpose of preparing for a regular or special meeting, shall be open to the public. The Board shall not be required to provide opportunities for public discussion at such meetings. Such meetings shall be publicly telecast.]

F. Meeting Notices and Agenda. The Board shall announce a calendar of regular meetings [and caucus meetings] for the ensuing year at the organization meeting. Public notice of the calendar shall be given in accordance with the public notice requirements of this Charter. Five [three (3)] days in advance of the date of a special meeting, public notice of the date, time, place, and subject of the special meeting shall be given as provided in this Charter, except in the case of a special meeting called for the purpose of adopting an emergency resolution or enacting an emergency ordinance.

An individual Commissioner has the authority to add an item to the agenda for Board consideration. The President of the Board shall cause an agenda to be prepared for each regular meeting including such items proposed by individual Commissioners and shall cause copies of the agenda and supporting documentation or reports to be prominently posted on the Township's website as well as to be made available to the public at the Township

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building at least [three (3)] 5 days prior to the day of the meeting. Any reports and documents submitted to and discussed by the Board shall be made available for public distribution at the meeting without charge or at a reasonable fee. Provision shall be made at regular meetings of the Board for citizens to comment or raise questions on any subject.

§ 2.10. Records.

Written minutes and records of all regular and special meetings of the Board shall be maintained by the Township Secretary and kept in the Township Building. All such minutes and records shall be open for public inspection during normal office hours, and shall be prominently posted on the Township's website. Upon request, copies shall be made available to the public without charge or at a reasonable cost.

§ 2.11. Reports.

A. The Board shall make full and complete disclosure to Township residents of its actions as well as of Township administrative operations and activities, both actual and planned.

The Board shall make provision for periodic written reports from the Township Manager; Department Heads; and the Boards, Commissions, and Authorities appointed by the Board; such written reports shall be prominently posted on the Township's website. These reports shall be made available to the public on request without charge or at a reasonable cost.

Within 120 days after the end of the fiscal year the Board shall prepare and make available to the public an annual written report of the results of its operations during that year, accompanied by financial statements as required by this Charter. Such report and financial statement shall be prominently posted on the Township's website.

Section 3. Article V, Manager; Article VI, Administration.

The Radnor Township Board of Commissioners hereby initiates a referendum to amend §5.03.C. and § 6.03 to read as follows:

§ 5.03. Powers and duties.

C. Appoint, and [for stated cause,] suspend or remove department heads and other Township employees under the Manager's direct and general supervision, subject, however, to formal approval by a majority vote of the total membership of the Board when required by this Charter. The Manager shall have ultimate responsibility for the appointment, suspension, or removal of all other Township employees under the personnel rules and regulations established by the Administrative Code or other ordinances in accordance with this Charter.

§ 6.03. Department heads and administrative officers.

The heads of all departments and all administrative officers shall be appointed and [for stated cause,] suspended or removed by the Manager subject to approval by a majority vote of the total

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membership of the Board, unless otherwise provided for in this Charter. Department heads and administrative officers shall appoint, and for stated cause suspend or remove, the subordinate employees with the approval of the Manager under the personnel rules and regulations established by the Administrative Code or other ordinances in accordance with this Charter.

Section 4. Ballot Question.

- A. The Radnor Township Board of Commissioners proposes that the Question to be submitted to the voters at the election shall be substantially in the following form:

***“Shall the Radnor Township Home Rule Charter be amended to: 1) require that all township records and reports be prominently posted on the Township’s website, and to permit individual Commissioners to add items to the Board agenda; 2) provide that new ward lines be drawn within 10 months after each Decennial U.S. Census Report; 3) establish a Vacancy Board to fill vacancies in the Office of Commissioner; and 4) provide for suspension or removal of at-will department heads and township employees by the Township Manager, subject to Board approval.*”**

YES OR NO

- B. Plain English Version: The ballot question, as authorized by Township Ordinance No. 2012-20, asks the voters of Radnor Township to require that all township records and reports be prominently posted on the Township’s website and to permit individual Commissioners to add items to Board agendas. Presently, the President of the Board sets the agenda and at the time of the original Charter websites did not exist. Secondly, the ballot question requires that new township ward lines be drawn after each Decennial Census Report to reflect changes in population. Thirdly, the question requests that a Vacancy Board be created to fill vacancies in the office of the Commissioner. The Vacancy Board would consist of the six remaining Commissioners and a Vacancy Board Chairman who would be appointed on an annual basis. Currently, vacancies in the office of Commissioner, if the remaining Commissioners are unable to agree on an appointment, would be filled by the Delaware County Court of Common Pleas. Finally, the ballot question provides for the suspension or removal of department heads and township employees who are at-will employees by the Township Manager if the employee is not covered by a collective bargaining agreement.

Section 5. Calling for Election.

In accordance with the Pennsylvania State Election Code, a certified copy of this Ordinance and the election question shall be forwarded to the Board of Elections on or prior to the thirteenth Tuesday before the May 21, 2013 primary election so that the question may be placed on the ballot for the primary election.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

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Section 7. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 8. Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and **ORDAINED** this 7th day of January, 2013.

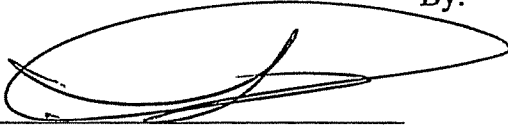
RADNOR TOWNSHIP

By:



Name: Elaine P. Schaefer
Title: President

ATTEST:



Robert A. Zienkowski, Secretary