

Municipality of Monroeville
Home Rule Charter Revision Referendum Questions
Primary Ballot-May 15, 2018

- 1) **Shall Article V. Ordinances and Resolutions** of the Monroeville Home Rule Charter (HRC) be amended for the Municipality to follow Commonwealth (PA) law in advertising ordinances between sixty (60) and seven (7) days BEFORE the adoption of an ordinance at a Council Meeting?

Explanation:

The current Home Rule Charter states that ordinances shall be advertised in a newspaper circulating generally within the Municipality AFTER adoption of an ordinance [Emphasis added]. The Home Rule Charter Committee and Council believe the public should be informed of a possible ordinance adoption BEFORE it will be considered by Council through a newspaper of general circulation in the Municipality.

- 2) **Shall Article XI Budget and Fiscal Matters, Sections 1101,1109, 1110 and 1111**, of the Monroeville Home Rule Charter (HRC) be amended under:

2a. Section 1101 Fiscal Year to delete language from Home Rule Charter that contradicts Commonwealth (PA) law that Municipal Council can change the fiscal year?

Explanation:

No PA local government has the statutory authority to change their fiscal year from the calendar year. The power rests with the PA Legislature.

2b. Section 1109. Payment of Funds to change language in the Home Rule Charter that is more current with Information Technology terminology: Data Processing change to Electronic Processing; Machine Signature to Electronic Signature and the term Machine to Equipment?

Explanation:

The Home Rule Charter should reflect current technical terms.

2c. Section 1110 Capital Program to change language in the Home Rule Charter that reflects administering the orderly growth of the Municipality to the orderly management of the Municipality; to delete language that defines capital equipment as a useful life of more than two (2) years and adopts the Capital Improvement Program under ordinance instead of resolution?

Explanation:

- The Municipality is built-out with respect to development and the orderly management of the Municipality should be the thrust of a Capital Improvement Program and not the orderly growth.
- Capital equipment does not always have a useful life of more than two (2) years; capital equipment useful life varies from asset-to-asset.

- The Home Rule Charter Committee and Council believe the Capital Improvement Program should be passed as law (Ordinance) instead of a resolution to make it more binding.

2d. Section 1111 Powers and Duties of the Auditors to delete audit language duties from the Home Rule Charter that has been established through the years by Commonwealth (PA) statues and other accounting policies?

Explanation:

The financial auditing of the Municipality is performed by a CPA firm each year as required by PA law. The firm files an audit report with the PA Department of Community and Economic Development before March 31st each year. The audit, or Comprehensive Financial Report (CAFR), is published each year in a generally circulating newspaper and filed with the Government Finance Officers Association. The audit practices outlined in the Home Rule Charter were once performed by elected auditors in decades past, but those that are now applicable are performed by the professional CPA firm.

- 3) **Shall of Article XV Personnel Sections (c) and (f)** of the Monroeville Home Rule Charter (HRC) be amended to more clearly explain the promotion of employees to suitable positions and terminating employees for inadequate performance?

Explanation:

This is a change in language terminology from Potential to Suitability, and Separating to Terminating

Note: As an alternative the question could be displayed as the following:

Shall Sections (c) and (f) of Article XV Personnel of the Monroeville Home Rule Charter (HRC) be amended as revised below:

(c) Promoting employees on the basis of demonstrated performance and ~~potential~~ suitability or greater ~~responsibility~~ responsibilities.

(f) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and ~~separating employees whose inadequate performance cannot be corrected~~ terminating employees for inadequate performance pursuant to personnel policies.

- 4) **Shall Article XVIII Boards, Commissions and Authorities**, Sections 1804 & 1809, of the Monroeville Home Rule Charter (HRC) be amended to:

4a. Section 1804 Vacancy to give public notice through social media instead of advertising in a newspaper of general circulation?

Explanation:

Currently, under the Home Rule Charter if a vacancy exists on a Board, Commission or Authority of the Municipality the vacancy(s) must be advertised in a newspaper of general circulation. This advertising is not required by PA law. Vacancies exist monthly on these ancillary boards, commission and authorities making it an unneeded expense to advertise in a

newspaper while giving notice on social media would be sufficient. **These vacancies do not pertain to elected officials (Council).**

4b. Section 1809 Recreation and Parks Advisory Board (R&PAB) Vacancy to consist of one (1) member residing in each of the seven (7) wards; one (1) member on the Municipal Council (ex-officio) . Also, if a vacancy exists for more than six (6) months in a given ward, then the Council member from the ward shall be permitted to appoint a person from another ward to serve the remainder of the applicable term?

Explanation:

Currently, under the Home Rule Charter there are eleven (11) members to the R&PAB: Seven (7) residents appointed from each ward; one (1) member of Municipal Council; one member of the Gateway School Board and two (2) members who are high school students appointed by the aforesaid members. The HRC committee and Council believe that the membership should be reduced to the outlined eight (8) members because of the difficulty of residents volunteering for appointments.

5) Shall Article XX Transition be amended to repeal Section 2207 in its entirety in order to comply with the Court of Common Pleas decision that Monroeville must adopt a Civil Service Commission (which currently exists) in compliance with language stated in the Borough Code instead of the Municipal Manager being the Civil Service Commission?

Explanation:

The adoption of the Monroeville Home Rule Charter in 1976 gave the Municipal Manager the powers of the Civil Service Commission for the police, those being: rules and regulations for hiring, suspensions and promotions; minimum qualifications to hire police officers, the firing of officers, and hearing of appeals. The police bargaining unit filed a law suit in 2006 stipulating that the HRC provision on the Civil Service Commission violated PA law stating that a Civil Service Commission should have that power. The law suit proceeded to the Court of Common Pleas which upheld the police law suit; however, the initial language of the HRC still exists in the HRC.