

Municipality of Monroeville
Home Rule Charter Revision Referendum Questions
General Election Ballot-November 6, 2018

During 2016, Monroeville Municipal Council formed a Home Rule Charter Ad Hoc Committee to study the Home Rule Charter to recommend revisions of the Charter to Council. The November 6, 2018 election will have ballot questions for the voters from the 2016 Home Rule Charter Ad Hoc Committee. The five (5) questions asked of the voters are listed below with a detailed explanation of each.

Note: Home Rule Charter = HRC

Question #1

- 1) **Shall Article XIII Treasurer** of the Monroeville Home Rule Charter (HRC) be amended to give the Monroeville Council the option of merging the duties of the elected Tax Collector with the Municipal Treasurer. The Municipal Treasurer duties would be revised.

Explanation: The current Home Rule Charter states that: the [Municipal] Manager with the advice and consent of Council shall appoint a Municipal Treasurer for a term of two (2) years. The Treasurer shall be an official of the Municipal Depository (Emphasis Added). A depository when relating to local governments in PA usually means a bank or a trust. The current language signifies that the Treasurer is a bank or trust appointed for two (2) year terms. The Home Rule Charter Committee and Council believe that the Municipal Treasurer should be an individual with qualifications to perform the financial duties of such a position (i.e. CPA, MBA, etc.), and that Council should have the option to appoint such a person lieu of the elected Tax Collector at the end of his/her term at which time the two (2) positions would be combined.

Summary: The Home Rule Charter Committee and Municipal Council are recommending a **YES** vote on Ballot Question #1 to have the option of combining the duties of the elected tax collector with the Municipal Treasurer who shall be appointed with specific financial qualifications.

Question #2

- 2) **Shall Article XIV Contracts, Sections 1402, 1403, 1406 and 1407** of the Monroeville Home Rule Charter (HRC) be amended to reflect the current Commonwealth purchasing laws with respect to 1) 1402-Competitive bidding (thresholds), 2) 1403-Exceptions to competitive bidding, 3) 1406-Deletion of two (2) year term of a contract, and 4) 1407-Unenforceable Contracts:

Explanation of each section:

Section 14.02(b). Bidding Procedures (Thresholds): The current Home Rule Charter language (1974) states that competitive bidding for goods and/or services exceeding Four Thousand Dollars (\$4,000) must be under sealed bidding procedures. However, under Act 90 of 2011 the bidding threshold for sealed contract bids was increased to above \$18,500. Also, Act 90 increased three (3) written or telephonic quotes for contracts between \$10,000 to \$18,500. Further, the Act provided for adjustments due to inflation per the Consumer Price Index for All Urban Consumers (CPI-U). As a result, currently, the threshold for competitive sealed bidding is more than \$20,100. For written or telephonic quotes it is between \$10,900 to \$20,100.

Section 1403. Exception to Competitive Bidding: The current HRC language states one exception to competitive bidding is for goods/service less than \$4,000. As mentioned above, currently, an exception to competitive bidding is for goods and/or services below \$20,100

(Act 90 2011). Another exception to competitive bidding in PA is for professional (i.e. attorney, engineer, CPA, etc.) and insurance services. These professional services do not have to be competitively bid nor does the lowest bid have to be accepted, but a publication of notice and Request for Proposal (RFP) are required under the HRC.

Section 1406. Maximum Term of Certain Contracts: The current HRC language states to the effect that the maximum term of contracts for the purchase of supplies shall not exceed two (2) years. The HRC Committee and Council believe that entering into longer term contracts for supplies may have opportunities for greater savings on supplies.

Section 1407 (a & b). Unenforceable Contracts: (a) The current HRC language could invalidate a purchase through an unauthorized contract that Council could have authorized, which would avoid needless litigation. (b) Also, the language in this sub-section will be retained to give Council the option through the Solicitor and ordinance to make payment on an unauthorized contract, if indeed the contract obligation should be met.

Summary: The Home Rule Charter Committee and Municipal Council are recommending a **YES** vote on Ballot Question #2 to up-date the purchasing procedures and exceptions to reflect PA Commonwealth law; delete terms on contracts for greater savings; and in the event of an invalid contract, have the option of curing with the advice of the Solicitor.

Question #3

- 3) **Shall of Article XVII Investigative, Hearing and Subpoena Powers, Sections 1703 and 1705** of the Monroeville Home Rule Charter (HRC) be amended to reflect applicable Commonwealth of PA law with respect to the Mayor, Auditor and Personnel Board to compel testimony and have documents produced through subpoena powers for in-state as well as out-of-state parties; and the penalty for ignoring a subpoena shall be subject to applicable law.

Explanation of each section:

Section 1703: The current language of the Home Rule Charter states to the effect that subpoenas can be served in any part of the Commonwealth of PA. The amended language affords the above mentioned parties to be able to serve a subpoena on in-state, as well as out-of-state, parties within applicable law.

Section 105: The current language of the Home Rule Charter states to the effect that any party ignoring a subpoena shall pay a fine and possible imprisonment. Because the above parties may not have the authority to issue such fines and an imprisonment, the amended language follows applicable Commonwealth of PA law.

Summary: The Home Rule Charter Committee and Municipal Council are recommending a **YES** vote on Ballot Question #3 to up-date subpoena powers for out-of-state parties, and also amend infractions for ignoring subpoenas to reflect applicable law.

Question #4

- 4) **Shall Article XXI General, Section 2104a (1&2) and c(1&2)**: of the Monroeville Home Rule Charter (HRC) be amended to follow Commonwealth of PA election law with respect to filling a vacancy of Council in that an appointee does not run for office in a non-municipal election year (even numbered year).[Emphasis added]

Explanation:

Section 2104a (1&2) The current language of the Home Rule Charter states candidates shall be selected at a special election to be held at the next municipal or non-municipal primary (May) and general (November) elections. The solicitor recommends, and Council agrees, that a resident(s) of a ward appointed to fill a vacant Council seat(s) should only run in the next municipal election year (odd numbered year) pursuant to Commonwealth of PA election law. [Emphasis added].

c. (1&2) The same amended language as above in Section 2104 (1&2) would apply whenever four (4) or more vacancies exist on Council, by which upon petition of the remaining members of Council, or any of five (5) electors (residents) of the Municipality, being filed with the court of Common Pleas of Allegheny County shall run in a special election in the next municipal election year, and not a non-municipal election year [Emphasis added].

Summary: Municipal Council with the advice of the Solicitor is recommending a **YES** vote on Ballot Question #4 to reflect Commonwealth PA election and case law in that an appointee has only to run in a municipal election year.

Question #5

- 5) Shall Article XXIV Recall** of the Monroeville Home Rule Charter (HRC) be repealed. Recall is the removal of any person of an elective office of the Municipality at a recall election.

Explanation: There are two (2) reasons that the HRC Committee and Council believe the entire article should be repealed: 1) The PA Supreme Court has ruled recall is not permitted; and 2) Recall violates the PA Constitution (Article VI: Public Officers, Sections 6 & 7). The HRC has existing language referencing the method by which a public officer can be removed from office (Section 2109 and Appendix).

Summary: The Home Rule Charter Committee and Municipal Council are recommending a **YES** vote on Ballot Question #5 to reflect the current Commonwealth of Pa constitution and case law.