

HOME RULE CHARTER

of the

BOROUGH OF

STATE COLLEGE

Voted @ November, 1973 election.
Effective Date: January 1, 1976.

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PREAMBLE

We, the people of the Borough of State College, under authority granted 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 Borough, both now and in the future.

**ARTICLE I
APPLICABILITY & LEGAL
STATUS**

Section 101. Applicability. This charter shall apply to the Borough of State College, Centre County, Pennsylvania, which shall include all territory within the boundaries of the said Borough at the time when this charter shall take effect, and all territory that may lawfully be added to said Borough at any time thereafter. The said Borough of State College shall herein be referred to as "Municipality."

Section 102. Effective Date. This charter shall become effective on the first Monday of January, 1976, and the municipal government shall operate under the terms and provisions hereof from and after the said effective date.

Section 103. Severability. If any provision of this charter shall be held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of this charter, its being the intent of the electors of this Municipality that the remaining provisions of this charter be given full force and effect as completely as if such invalid provision had not been included herein. If the application of this charter or any provision thereof to any person or circumstance shall be held to be invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE II
POWERS OF THE MUNICIPALITY**

Section 201. Grant of Power. The Municipality shall have, and may exercise any power and may perform any function not specifically denied it by the Constitution of Pennsylvania, by this charter or by the General Assembly of Pennsylvania.

Section 202. Construction. At no time and in no respect shall the Municipality have less power and authority than it would have had, had it not adopted this charter, except to the extent that this charter in itself may limit any specific power or authority now or hereafter granted by the Constitution or laws of Pennsylvania. The powers of the Municipality 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 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 become available.

Section 203. Powers Vested in Municipal Council. All powers of the Municipality, including any such power which may hereafter be conferred upon the Municipality by the Constitution of Pennsylvania or by amendment of this charter or by any Act of the General Assembly, unless otherwise specifically set forth in this charter, shall be vested in the municipal Council, hereinafter referred to in this charter as "Council," subject to the authority of the Mayor, as set out in Section 702 of this charter.

Section 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 the United States of America or any agency thereof, and/or the Commonwealth of Pennsylvania and any political subdivision or agency thereof.

possess the same qualifications as herein set out for persons elected to such office.

ARTICLE III NONDISCRIMINATION

Section 301. Nondiscrimination. The Municipality shall not deny to any person the enjoyment of any civil right, or discriminate against any person in the exercise of any civil right because of race, color, religious belief, ancestry, sex or national origin.

ARTICLE IV ELECTED OFFICERS

Section 401. Enumeration and Qualifications of Elected Officers. The elected officers of the Municipality shall be (a) the Mayor; and (b) the Council, which shall consist of seven members. All elected officers shall, at the time of their election and during their tenure as such officers, be qualified and registered voters of the Municipality.

Section 402. Election of Officers. All elected officers shall be elected at large, by the qualified voters of the Municipality for 4-year terms of office, commencing on the 1st day of January of the year following the municipal election at which they shall be elected. The Mayor shall be elected in the year 1977 and at 4-year intervals thereafter. Four of the members of Council shall be elected in the year 1975, and at 4-year intervals thereafter, and three of the members of Council shall be elected in the year 1977 and at 4-year intervals thereafter.

The number of consecutive terms to which a person may be elected or appointed to serve as a member of Council is limited to a maximum of two terms, or eight years in office, whichever is greater. After an absence to two years from the position of Councilperson, a citizen may be elected or appointed to hold a Council position subject to the term limitations.¹

Section 403. Vacancies in Office. Vacancies in any elected office shall be filled by vote of Council within 45 days after the occurrence of such vacancy. Every person so appointed shall

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 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 day of January or the first 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 day of January.

In any case, where Council shall refuse, fail or neglect, or be unable, for any reason whatever, to fill any such vacancy within the 45-day period aforesaid, the Court of Common Pleas shall then, upon petition of Council or of any five citizens 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.

Section 404. Removal of Elected Officers. A Councilman or Mayor shall be subject to removal from office by vote of Council if he (1) violates any express provision of this charter; (2) is convicted of a crime more serious than a summary offense, as defined in Pennsylvania law; or (3) fails to attend 3 consecutive regular meetings of Council without having been excused by the Council.

Section 405. Compensation of Elected Officers. Elected officers may receive compensation as shall be fixed by Council from time to time, but such compensation or any change therein shall not become applicable to any incumbent officer until the commencement of a new term of office.

Section 406. Oath of Office. Every elected officer, prior to assuming office, shall take and sign an oath or affirmation to support the Constitution of the United States of America and of the Commonwealth of Pennsylvania and to perform the duties of his 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 municipal Secretary.

ARTICLE V
COUNCIL: POWERS, DUTIES,
LIMITATIONS AND LEGISLATION

Section 501. Powers.

1. All legislative power of the Municipality shall be vested in Council.
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.
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 all members of its legislative and legal staff.
5. Council shall have the power to receive and accept all gifts or donations of real and personal property or interest therein in the name of the Municipality.
6. Council, as a body, or through a committee thereof, shall have the power to make inquiries and investigations into the affairs of the Municipality and its government and into the conduct of any municipal department, office or agency, or any of the committees thereof.
7. Council shall have the power to hold public hearings on any matter. Notice of every such hearing shall be given in the manner determined by Council, and all interested persons shall have an opportunity to be heard.

Section 502. Duties.

1. Council shall appoint a municipal Manager.
2. Council shall adopt an Administrative Code, establishing and defining the responsibilities of the municipal departments and agencies, as

well as such procedures as it shall 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 departmental and administrative organizations and procedures, and to abolish any department, board, commission or other agency not required by law or by this charter to be established and maintained.

3. Council shall appoint the municipal Solicitor, who shall be an Attorney at Law or a firm of attorneys, and the municipal Secretary. The Secretary shall be directly under the supervision and control of Council.
4. Council shall adopt a Personnel System, which shall provide 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 on the basis of merit and fitness demonstrated by examination or other evidence of competence. The nondiscrimination provisions of Section 301 of this charter shall apply in any appointment or promotion, and political affiliation or beliefs shall not be a factor.
5. 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, assurance of controls on aggregate spending and safeguards against special interests.
6. Whenever a petition shall be presented to Council, signed by registered electors of the Municipality comprising at least 2% of the electors voting at the most recent municipal election, requesting that Council consider and take action on the subject matter of the petition, it shall be the duty of Council to place the subject matter thereof on its agenda for a regular or special meeting taking place within 2 months after receipt of the petition. At such meeting, Council shall consider and take action on such subject matter. Provided: The same subject shall not be presented to

Council by petition pursuant to this Section oftener than one time in any 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.²

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

1. Individual Councilmen shall not exercise any power of Council unless such authority shall be specifically delegated by Council or by this charter.
2. Except where authorized by law, no Councilman shall hold any other municipal office or municipal employment during his term of office.
3. 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 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.
4. Any Councilman who shall have a special financial interest in a matter before Council shall abstain from voting on the question.

Section 504. Legislation.

1. The following actions of Council shall be taken by ordinance:
 - a. Adoption of the Administrative Code.³
 - b. Adoption of the Personnel Rules and Regulations.⁴
 - 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 Section 502 of this Charter.⁵
 - d. Adoption of tax levies and authorization for service charges, fees and assessments.
 - e. 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.

2. Ordinances shall become effective following the carrying out of the publication and recording requirements; however, a later date may apply when required by law or when specified in the ordinance.
3. All other actions shall be taken by resolution or motion.

**ARTICLE VI
OPERATIONS & PROCEEDINGS
OF COUNCIL**

Section 601. Organization. Council shall hold its organizational meeting on the first Monday of January of each even-numbered year. At the organization meeting, it shall elect one of its members as President of Council, who shall hold such office at the pleasure of Council. It shall be the responsibility of the President of Council to designate the committees of Council and to appoint Council members to such committees, subject to the approval of Council. The Council shall transact any other business that it may deem necessary or appropriate at the organization meeting. Provided: In any year when the first Monday of January shall be a legal holiday, the organization meeting of Council shall be held on the following day.⁶

Section 602. Regular, Adjourned and Special Meetings. Council shall hold regular meetings at least once a month on such day and at such time as Council, from time to time, determines and schedules.

Council may adjourn to a stated time for general business or for special business.

A majority of the members of Council in office, not including the Mayor in his capacity as presiding officer, shall constitute a quorum. If no quorum is present at a regular or adjourned meeting, a majority of the members of Council who are present may agree upon another date and hour for a meeting, and members so present may continue so to agree until a meeting can be held with a quorum in attendance.

Special meetings may be called by the Mayor on his own initiative or shall be called by him upon written request of at least 2 of the members of Council. Members shall have at least 24 hours' notice of special meetings. The notice shall state

the nature of the business to be considered.
Presence at a meeting constitutes waiver of notice.

Section 603. Conduct of Meetings. Meetings of Council shall be open to the public and shall be conducted according to 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.

Section 604. Minutes of Meetings. Council shall cause minutes of all its meetings to be made and preserved. The minutes shall be open to public inspection in the municipal offices, during regular business hours.

Section 605. Inquiries and Investigations. In the conduct of inquiries and investigations, Council shall have authority to compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of Council or of any committee thereof and for that purpose may issue subpoenas, signed by the Mayor or the Chairman of the Committee, as the case may be, and may cause the same to be served in any part of the Commonwealth of Pennsylvania. The Mayor or Committee Chairman, as the case may be, shall have the power to administer oaths to witnesses.

Section 606. Enactment of Ordinances. Action on any ordinance shall be at a lawful meeting of Council and shall be by majority vote of the members present. If such ordinance receives such affirmative majority vote, it shall then be signed by the President of Council or, in his absence, any other councilman and attested by the municipal Secretary, who shall affix the Municipal Seal and insert the date of the Council vote. Such ordinance shall then be presented to the Mayor for his approval. If the Mayor approves such ordinance, he shall sign it; if the Mayor shall not approve the ordinance, he shall have the power to veto it within 14 days of its date. If the Mayor vetoes such ordinance, he shall, at the same time, give his reasons in writing for such veto. Council may, by an affirmative vote of 5 members of Council, override the veto of the Mayor at the next meeting of the Council following the veto, whether such meeting is a regular, special or adjourned meeting.

The enactment of an ordinance shall be the date when the Mayor shall approve it or the date of passage by Council over the veto of the Mayor or, in the case of any ordinance neither approved nor vetoed by the Mayor, then on the date which is 15 days after the original approval by Council.

Ordinances shall be numbered consecutively and shall contain a clear statement that the document is an ordinance.

Section 607. Publication of Notice of Enactment of Ordinances. Notices of ordinances adopted by Council shall be published in one or more newspapers of general circulation in the Municipality within seven days of enactment. Such publication shall state where the full text of the ordinance may be examined and copies obtained. Provided: 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.

Section 608. Recording of Ordinances. Within seven days after the enactment of an ordinance, the municipal Secretary shall cause to be recorded 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 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 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 Secretary shall cause a notation to the effect to be made in the Ordinance 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.

Section 609. Availability of Ordinances. The Ordinance Book shall be open and available for public inspection and perusal in the Municipal Building during office hours and the Municipality shall make available, at a cost of reproduction, copies of any ordinance, upon request.

Section 610. 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.

Section 611. 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 borough in the Commonwealth for violation of an ordinance. All fines, penalties and costs collected shall be paid to the municipal treasury for use of the Municipality. Provided: Any ordinance may provide that, for continuing violations, each day that a violation exists may be regarded as a separate violation.

ARTICLE VII THE MAYOR

Section 701. Mayor is Presiding Officer of Council. The Mayor shall be the presiding officer of Council.

Section 702. Mayor's Veto Power. The Mayor shall not have the right to vote upon any matter before the Council, but the Mayor shall approve or veto any ordinance of Council as set forth in Section 606 of this Charter.

Section 703. Mayor Ceremonial Head of Municipal Government; Represents Municipality. The Mayor shall be the ceremonial head and official representative of the Municipality, and the Mayor may designate any

other elected or appointed official of the Municipality to act in his stead.

Section 704. Emergency Powers. Any emergency powers that Council may establish by ordinance to suppress mobs, riots and tumultuous assemblies, or to take over control in the case of emergency resulting from any natural or other disaster, shall devolve upon the Mayor unless Council, at the time a specific emergency or disaster, shall determine that such emergency powers shall be exercised otherwise for the duration of such emergency or disaster.

ARTICLE VIII THE MANAGER

Section 801. Appointment, Qualifications and Tenure. Council shall appoint the Municipal Manager for an indefinite term. Council shall have the authority to enter into contracts with Managers, which may stipulate terms of employment and severance pay, subject to the limitations of Section 802 of this charter. The Manager shall be chosen on the basis of his executive and administrative qualifications. During his tenure as municipal Manager, he shall not hold any elective governmental office.

Section 802. 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.

Section 803. Powers and Duties of the Manager. The Manager shall be the Chief Executive and Administrative Officer of the Municipality. He shall be responsible to Council for the administration of all municipal affairs placed in his charge. He shall have the following specific powers and duties:

- a. With the consent of Council, the Manager shall appoint all department heads; such appointees shall serve at the pleasure of the Manager. The Manager shall appoint and may remove all administrative personnel, subject to the limitations of the personnel system.
- b. The Manager shall direct and supervise all administrative activities of the Municipality, except as otherwise provided by this charter.

- c. The Manager shall prepare the agenda for all meetings of Council and shall attend all meetings of Council, at which meetings he shall have the right to participate in discussions, but he shall not have the right or privilege to vote on any matter.
- d. The Manager shall 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.
- e. The Manager shall prepare and submit to Council such reports dealing with financial, administrative and/or other matters as Council may request of him.
- f. The Manager shall be responsible for the enforcement of all laws, ordinances and regulations of the Municipality.
- g. The Manager shall perform other duties as are required by Council.

ARTICLE IX FINANCE

Section 901. Fiscal Year. The fiscal year of the Municipality shall commence on the first day of January and terminate on the last day of December. The fiscal year may be changed by ordinance or shall be automatically changed when mandated by statute. When a change is made, Council shall determine the procedures and fiscal arrangements for the transition.

Section 902. 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 which are permitted by the Pennsylvania Constitution and authorized for municipal application by action of the General Assembly.

Section 903. Tax Duplicate. Council shall, within 30 days after adoption of the budget or within 30 days after receipt of the assessment roll

from the County (whichever is later), furnish the duplicate of property taxes assessed to the collector of taxes of the Municipality. Council may request the County Assessment Office or other appropriate agency to make revisions, additions and adjustments to the tax duplicate and such list of additions, revisions and adjustments shall be furnished by Council to the collector of taxes.

Section 904. Submission of Budget and Budget Message. On or before the 30th day prior to the end of the fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message. The submission date and other subsequent dates affecting the budget may be changed by Council, when desirable, to conform with a regional policy affecting the budget or when mandated by State law.

Section 905. Budget Message. The budget message 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 such other material Council may request or as the Manager deems desirable.

Section 906. Budget Document. The budget document shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Manager deems desirable or as Council may require. The budget document shall provide that the budget submitted for each fund is balanced and that the total of proposed expenditures shall not exceed the total of the estimated revenue.

Section 907. Capital Program. The Manager shall prepare and include, as a separate section in the annual budget submitted to Council, a capital program of capital expenditures of a non-recurring and long-range nature, as the Manager shall deem desirable or as Council may require.

Section 908. Notice and Hearing. Council shall publish in one or more newspapers of general

circulation in the Municipality the general summary of the budget and a notice stating:

- (1) the times and places where copies of the message and budget are available for inspection by the public; and
- (2) the time and place, not less than ten days after such publication, for a public hearing on the budget.

Section 909. Council Action on the Budget.

- a. **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.
- b. **Adoption.** Council shall adopt the budget by resolution on or before the last day of the fiscal year currently ending.
- c. **Appropriations.** Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the taxes therein proposed.

Section 910. Public Records. Copies of the budget, as adopted, and of the capital program plan shall be public record and shall be made available to the public at suitable places in the Municipality, as determined by Council.

Section 911. Amendments During the Fiscal Year.

- a. **Supplemental Appropriations.** If, during the fiscal year, there is evidence of a need for a supplemental appropriation and there is available unencumbered revenues in excess of those estimated in the budget, Council may, by resolution, make such supplemental appropriations for the year, in an amount not to exceed such excess.
- b. **Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, Council may, during the year by

ordinance, 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 from 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.

- c. **Reduction in Appropriations.** If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount 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 or more appropriations.
- d. **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 organizational level, and Council may, at any time during the fiscal year, by resolution, transfer part or all of any unencumbered balance appropriated to a department, office, agency, or other organizational level to another.
- e. **Limitations; Effective Date.** No appropriation 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. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 912. 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.

Section 913. Independent Audit.⁷ Council shall provide for an independent annual audit of all municipal funds by a professional accountant or qualified outside auditor who has no personal interest, direct or indirect, in the fiscal affairs of

the municipal government or any of its elected or appointed officials. Council may provide for more frequent audits, as well as special audits, as it deems necessary. The auditor's report, together with the auditor's recommendations of the annual audit, and a complete financial statement of the fiscal affairs of the Municipality shall be presented to Council no later than the last day of the fourth month following the fiscal year being audited.

A summary of the financial statement and the auditor's recommendations of the general audit shall be published in at least one newspaper of general circulation in the Municipality following receipt of the auditor's report by Council.

ARTICLE X TRANSITION AND CONTINUATION

Section 1001. Rights, Property, Franchises, Liabilities and Obligations of the Municipality.

The Municipality shall continue to own, possess, exercise and/or control, as the case may be, all rights, property and franchises of every kind or nature owned, possessed, exercised and/or controlled by it when this charter shall take effect, under the same conditions that applied at such time, and shall be subject to all debts, obligations and liabilities to which it was subject at the time when this charter shall take effect, under the same conditions that applied at such time.

Section 1002. Elected Officers. Officers of the Municipality elected by vote of the electors, or appointed to fill a vacancy in such elected office, shall hold such office until their respective terms shall expire, but their powers and duties shall be those prescribed in this charter or those to be exercised pursuant to this charter. Vacancies thereafter occurring in any such office, if such office shall be provided for in this charter, and shall be filled in the manner and for the time provided by this charter. Vacancies thereafter occurring in any office that is not provided for as an elective office by this charter shall not be filled.

Section 1003. 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.

Section 1004. Appointive Administrative

Officers and Employees. Except as specifically provided by this charter, if at the time this charter takes effect, a municipal administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he shall continue in such office or position until the taking of effect of abolition of such office or position.

Section 1005. 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 of such rights and privileges.

Section 1006. Prior Legislative Acts.

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.

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.

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.

ARTICLE XI BILL OF RIGHTS

Section 1101. Right to Water. All residents, natural communities and ecosystems in State College Borough possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Borough.

Section 1102. Right to Clean Air. All residents, natural communities and ecosystems in State College Borough possess a fundamental and

inalienable right to breathe air untainted by toxins, carcinogens, particulates and other substances known to cause harm to health.

Section 1103. Right to Peaceful Enjoyment of Home. Residents of State College Borough possess a fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation.

Section 1104. Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems possess inalienable and fundamental rights to exist and flourish within State College Borough. Residents of the Borough shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.

Section 1105. Right to a Sustainable Energy Future. All residents in State College Borough possess a right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable fuel sources.

Section 1106. Right to Self-Government. All residents of State College Borough possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.

Section 1107. People as Sovereign. State College Borough shall be the governing authority responsible to, and governed by, the residents of the Borough. Use of the "Borough of State College" municipal corporation by the sovereign people of the Borough to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.

Section 1108. Rights as Self-Executing. All rights delineated and secured by this Charter shall be self-executing and these rights shall be

enforceable against corporations and governmental entities.

Section 1109. Securing and Protecting Rights.
To further secure and protect the rights enumerated by the Bill of Rights:

1. It shall be unlawful for any person or corporation to engage in the extraction of natural gas within State College Borough, with the exception of gas wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas from those existing wells does not involve any practice or process not previously used for the extraction of gas from those wells.

2. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store or transport waste water, "produced" water, "frack" water, brine or other materials, chemicals or by-products from unconventional development of natural gas from shale formations, within, upon or through the land, air or waters of State College Borough.

3. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the creation of fossil fuel, nuclear or other non-sustainable energy production and delivery infrastructures, such as pipelines, processing facilities, compressors, or storage and transportation facilities of any sort that would violate the right to a sustainable energy future for State College Borough.

4. Corporations and persons using corporations to engage in natural gas extraction in a neighboring municipality, county or state shall be strictly liable for all harms caused to natural water sources, ecosystems human and natural communities within the Borough of State College.

5. Corporations in violation of the prohibition against natural gas extraction, or seeking to engage in natural gas extraction shall not have the rights of "persons" afforded by the United States and Pennsylvania Constitutions, nor shall those corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Pennsylvania Constitution.

6. Corporations engaged in the extraction of natural gas shall not possess the authority or power to enforce State or federal preemptive law against the people of State College Borough, or to challenge or overturn municipal ordinances or Charter provisions adopted by the State College Borough Council.

7. No permit, license, privilege or charter issued by any State or federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Charter provision or deprive any Borough resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within State College Borough.

8. The provisions of this section are severable. If any court of competent jurisdiction decides that any sub-section, clause, sentence, part, or provision of this section is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sub-sections, clauses, sentences, parts, or provisions of this Bill of Rights and its prohibitions. The People of State College Borough hereby declare that in the event of such a decision, and the determination that the court's ruling is legitimate, they would have enacted this amendment even without the sub-section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional. All inconsistent provisions of prior Ordinances and zoning Ordinances adopted at any time by State College Borough are hereby held in abeyance, but shall take immediate effect in the event this Bill of Rights and its protective prohibitions are overturned.

² In 2011 (the date of the last general election), 3,305 qualified voters cast their ballots. 2% of that number is 66, the number required to force reconsideration by Council under Section 502.6 of this charter.

³ Ordinance 882, December 12, 1975, adopted the Administrative Code.

⁴ Ordinance 884, December 12, 1975, adopted the Personnel Rules and Regulations.

⁵ Ordinance 883, December 12, 1975, adopted the procedures for purchasing of products, goods, or services; for the making of contracts; and for the sale or lease of personal or real property for the municipality; as referred to in Section 502 of this charter.

⁶ Section 601 was amended by the electorate, as documented in Ordinance 916, adopted August 8, 1977, to change the position of "Vice-President" to "President." Ordinance 917, August 8, 1977, added the sentence authorizing the President to designate committees of Council.

⁷ Section 913 was amended by Ordinance 918, August 8, 1977, to eliminate the elected auditor and replace that position with an appointed auditor.

⁸ Section 607 was amended by Ordinance 1770, February 2, 2004, eliminating the need to publish the full text of ordinances that impose penalties. The change was approved by the electorate on April 27, 2004 by a vote of 1,653 to 574.

⁹ The electorate added Article XI in November 2011 establishing a Bill of Rights.

ENDNOTES

¹ The electorate amended Section 402 in May 1999 to add term limits. This amendment became effective for incumbent members of the Council of the Borough of State college following the 1999 General Election and to those elected beginning with the General Election of 1999 and thereafter. 1,467 voters cast ballots for term limits; 873 voted against them.