

TITLE 323
DELAWARE COUNTY

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Authority

The provisions of this Title 323 issued under sections 101—1309 act of April 13, 1972 (P. L. 184, No. 62), (53 P. S. §§ 1-101—1-1309), unless otherwise noted.

PART I. DELAWARE COUNTY HOME RULE CHARTER

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CHAPTER 1. DELAWARE COUNTY HOME RULE CHARTER

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Source

The provisions of this Part I adopted May 20, 1975, effective January 5, 1976, unless otherwise noted.

ARTICLE I. APPLICABILITY AND LEGAL STATUS

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§ 1.1-101. Legal Applicability.

This charter and all subsequent amendments thereto shall define the powers and establish the form of government for the County of Delaware in the Com-

monwealth of Pennsylvania. The charter is the basic law of the county and is restricted only by the precedence of the Constitution and laws of the Commonwealth of Pennsylvania where these constitutions and laws supersede the provisions of this charter. The Commonwealth of Pennsylvania hereafter shall be referred to as the "Commonwealth," and the County of Delaware shall be referred to as the "county." This home rule charter shall be hereinafter referred to as the "charter," and the term County Council shall hereinafter be referred to as "Council."

§ 1.1-102. Status.

Under this charter, the county shall continue to be a body politic and corporate and to act for the Commonwealth in the execution of Commonwealth programs within the county's boundaries.

§ 1.1-103. Boundaries.

The boundaries of the county under this charter shall continue to be its boundaries as prescribed by or pursuant to the laws of the Commonwealth.

§ 1.1-104. County Seat.

The seat of the county government shall continue to be in the Borough of Media.

ARTICLE II. POWERS OF THE COUNTY

Sec.

- 1.2-201. General Grant of Power.
- 1.2-202. Preservation of Powers of Local Governments.
- 1.2-203. Vesting of Powers.
- 1.2-204. Services and Functions.

§ 1.2-201. General Grant of Power.

The county shall continue to possess all powers now vested in it by law, and in addition, the county shall have and may exercise any power or perform any function not expressly denied by or inconsistent with the Constitution of the United States, the Constitution and laws of the Commonwealth, or provisions of this charter.

§ 1.2-202. Preservation of Powers of Local Governments.

Nothing in this charter shall be construed so as to interfere with the rights and powers of cities, townships, boroughs and school districts.

§ 1.2-203. Vesting of Powers.

The governing body of the county shall be the County Council and the legislative power of the county is vested in and exercisable only by the County

Council. All other powers of the county not vested elsewhere by this charter are also vested in the County Council.

§ 1.2-204. Services and Functions.

This charter does not authorize, and should not be construed or constructed to authorize any elimination of services or abolishment of functions presently mandated by law.

ARTICLE III. ELECTED CHARTER OFFICIALS

Sec.

- 1.3-301. Elected Offices.
- 1.3-302. Qualifications for Elected Offices.
- 1.3-303. Compensation.
- 1.3-304. Vacancies.
- 1.3-305. Forfeiture of Office.
- 1.3-306. Oath of Office.

§ 1.3-301. Elected Offices.

The offices to be filled by election pursuant to this charter are the County Council, District Attorney, Controller, Sheriff and Register of Wills.

§ 1.3-302. Qualifications for Elected Offices.

All elected officers in county government shall be registered electors in the county. They shall have attained the age of 25 years and shall have been domiciled in the county for a period of at least two consecutive years prior to the date of nomination to candidacy for county office. Candidates for District Attorney and Register of Wills shall be learned in the law and admitted to the practice of law in the Commonwealth at the time of election to office and throughout the term of office. Except as otherwise provided herein, the term of office for all elected officers shall be four years from the first Monday of January next after their election and until their successors shall be duly qualified; no elected official may serve more than two full elective terms in the same office, or a combined total of ten years service in the same office, whichever is greater.

§ 1.3-303. Compensation.

Compensation for elected county officers shall be fixed by Council; provided, however, that if Council proposes to either raise or reduce the compensation or salary for any elected office, such action shall be finally passed or adopted prior to the last day for filing of nominating petitions for election to said office. Council shall not raise or reduce the compensation or salary for any elected office to be effective during the then current term of said office.

§ 1.3-304. Vacancies.

a. In the case of a temporary vacancy in an elected office of county government, Council may temporarily fill the vacancy for periods not exceeding six months. Thereafter, Council may review and continue the temporary appointment in six-month segments.

b. In the case of a permanent vacancy in any elected county office, except for the office of District Attorney, such as caused by death, illness, physical incapacity, forfeiture of office, removal from office, or resignation, Council shall appoint a successor who shall serve, if the term to which he has been appointed would have continued so long, for an appointed term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs. The vacancy for the remainder of the original elected term shall be filled by election at the first municipal election which takes place more than ten months after the vacancy occurs. Upon a determination by Council that a permanent vacancy exists, appointment of a successor shall ensue within thirty calendar days thereof. In the event Council has not appointed a successor within thirty calendar days and upon petition of twenty duly registered electors of the county, the successor shall be appointed by the Court of Common Pleas. In the case of a permanent vacancy in the office of District Attorney, the Judges of the Court of Common Pleas shall fill such vacancy.

§ 1.3-305. Forfeiture of Office.

a. Elected officers, and those appointed to fill a vacancy in an elected office shall forfeit the right to continue in office upon proven malfeasance, misfeasance, non-feasance, conviction of a crime involving moral turpitude under the laws of this Commonwealth, or any other state, or the laws of the United States, behavior determined by Council to be inconsistent with the County Code of Ethics or assumption of domicile outside the county.

b. Upon determination by Council that cause exists for removal from elective office, as stated in Section 305(a) above, Council shall by affirmative vote of four members, issue a discharge resolution dismissing the elected official from office.

c. Delivery of a resolution leading to discharge of the elected officer from his office shall be in the form of a Bill of Particulars stating the Council's findings and removal determination. The discharge resolution shall not be effective until thirty calendar days have elapsed from the time and date of its delivery to the elected officer.

d. In the event of a response to the discharge resolution in a rejoinder conveyed to Council by the elected officer within twenty days of receipt of a discharge resolution, Council may then only effectuate the discharge resolution upon an affirmative vote of four members taken within ten days of receipt of the rejoinder.

e. The elected officer, upon receipt of a discharge resolution from Council, may also petition for judicial review within thirty days of receipt of a discharge resolution. Such petitions by the elected officer shall be adjudicated on the standard of whether or not Council's discharge action was arbitrary and capricious action. The burden of proof shall reside with the elected officer when such petitions are adjudicated.

f. During the said thirty-day interim, or during the period between submission of a rejoinder and response of Council in a vote on the rejoinder, the elected officer shall retain full authority of his office in respect to the conduct of official business.

g. The right of the elected officer to petition for judicial review of the discharge resolution shall expire thirty-one days after his receipt of the discharge resolution.

§ 1.3-306. Oath of Office.

All county officers shall voluntarily execute an oath or affirmation of office as prescribed by county ordinance or Commonwealth laws.

ARTICLE IV. COUNTY COUNCIL

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- 1.4-401. Composition.
- 1.4-402. Elections of Council.
- 1.4-403. Organization of Council.
- 1.4-404. Quorum.
- 1.4-405. Meetings.
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- 1.4-408. Powers and Duties.
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- 1.4-418. Treasurer.
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- 1.4-426. Court House Police.

1.4-427. Executive Director.

1.4-428. Departments Managed by the Executive Director.

§ 1.4-401. Composition.

The County Council shall be composed of five members nominated and elected from the County at large.

§ 1.4-402. Elections of Council.

a. Council members shall serve staggered four-year terms of office. At the first municipal election of the Council held pursuant to this charter, two seats on Council shall be nominated and filled to serve four-year terms.

b. Elections to Council will be held at two-year intervals after the first Council election. Three seats shall be filled at the second election of Council held pursuant to this charter while two seats shall be filled at the third election. This sequence of staggered elections shall be then continued in subsequent elections of Council.

§ 1.4-403. Organization of Council.

Council shall hold an organization meeting on the first Monday of January of each even-numbered year at which time it shall elect one of its members as chairman and another member as vice chairman. In any year when the first Monday of January is a legal holiday, the organization meeting shall be held on the following day. Council may transact any other business it may deem necessary at the organization meeting.

§ 1.4-404. Quorum.

A majority of Council shall constitute a quorum for the transaction of business and, at any meeting at which a quorum is present, any ordinance, resolution or motion may be acted upon by a majority vote of the members of the Council present, unless a larger number is required by a provision of this charter.

§ 1.4-405. Meetings.

a. Council shall adopt and publish rules for the conduct of its meetings.

b. Council's rules for the conduct of public meetings shall be consistent with provisions of Commonwealth law requiring that meetings of the governing body of a county be open to the public and further requiring public notice of such meetings.

§ 1.4-406. Chairman and Vice Chairman.

The Council Chairman shall preside at all meetings of Council. The Chairman may also appoint committees of two or more members of Council at any time to investigate and report upon such matters as the Chairman deems necessary to the

effective execution of business. In the event of absence or incapacity of the Chairman, the Vice Chairman shall exercise the Chairman's duties.

§ 1.4-407. Council Staff.

The staff of Council shall consist of the County Clerk and such other assistants and clerks as may be required and appointed from time to time. Staff support shall be equitably apportioned among the members of Council. Council may also, subject to budgetary restraints, employ legal, financial or other professional assistance to supplement its regular staff and serve Council as a whole.

§ 1.4-408. Powers and Duties.

The legislative power of the county, including residual powers and any powers now conferred or which may hereafter be conferred upon the county by the Constitution or laws of the Commonwealth, shall be exclusively vested in and exercised by Council, subject only to the provisions of this charter. Council shall have, but not by way of limitation, the following powers:

- a. To adopt, amend or repeal a County Administrative Code.
- b. To authorize and conduct inquiries and investigations into the operations of county government departments, boards and offices in aid of its legislative powers and assessments.
- c. To adopt all necessary rules and regulations governing meetings and administrative procedures of Council.
- d. To make appropriations, levy taxes, incur indebtedness, adopt the annual county budgets and establish fees.
- e. To compel the attendance of witnesses and the production of documents and other evidence.
- f. To set the compensation and number of employes in each entity of the county government.
- g. To purchase, acquire by gift, or otherwise, hold, lease, let and convey, by sale or lease, such real or personal property as shall be determined to be in the best interests of the county.
- h. To establish and abolish, by resolution, boards and commissions of the county government, except for such boards and commissions as may be prescribed elsewhere by this charter.
- i. To establish, abolish or reorganize departments and/or programs as required to promote efficiency and economy; except that any reorganization shall not eliminate any departmental functions or programs established by this charter.
- j. To provide for enforcement of all ordinances.
- k. To provide for a personnel management system governing grievance procedures, personnel appointments, reappointments and dismissals.

- l. To appoint county officers, including the County Executive Director, heads of Administrative departments, and heads of departments falling under the direct supervision of the Council, and further to fill vacancies in elective offices as herein provided.
- m. To legislate in respect to intergovernmental programs involving negotiations with units of state, local and federal government.
- n. To enter into agreements with units or groupings of local governments with respect to establishment, revisions or cancellation of service agreements.
- o. To legislate concerning county participation in development programs including but not limited to mass transit, housing, land use, waste disposal and cultural developments.
- p. To approve and authorize annual county operating and capital budgets.

§ 1.4-409. Actions of Council.

Council shall decide which actions will be by ordinance and which by resolution except that acts of permanent policy, and acts which provide for raising revenue, appropriating funds or incurring indebtedness, and acts which provide a penalty or establish a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance.

§ 1.4-410. Introduction of Bills.

A bill may be introduced by any council member or by Council as a whole. Each bill shall be submitted in writing and shall be limited to one subject which shall appear in the title. Any amendments to a bill shall be germane to the bill's subject.

§ 1.4-411. Adoption of Ordinances.

- a. No ordinance shall be adopted without a public hearing after public notice.
- b. With the exception of emergency ordinances, before an ordinance is adopted it shall be read during regular meetings of Council on two different days at least six calendar days apart.
- c. The reading of an ordinance shall be full and distinct unless:
 - (1) a copy of it is available for each person at the meeting who desires a copy, and
 - (2) the Council directs that the reading be by title and summary only.
- d. An ordinance to meet an emergency may be introduced, read once, and put on its final passage at a single Council meeting by unanimous consent of all the Council members present. An emergency shall be defined as any threat to health, safety and welfare, domestic insurrection, natural disasters, civil unrest, war, or such other conditions which in the judgment of Council justify a determination of emergency.

e. All final actions in adopting ordinances, resolutions or motions shall be by roll call vote. The vote of each member shall be recorded in the minutes of the meeting.

f. Time of Effect.

(1) A non-emergency ordinance shall take effect on the tenth day after it is adopted unless a later date is prescribed for it to take effect.

(2) An emergency ordinance may take effect immediately upon approval of the Council.

g. Public notice stating the title and effective date of each ordinance shall be given not more than ten days after adoption of the ordinance.

§ 1.4-412. Appointments of Council.

Departments, offices, boards, commissions and authorities established under this charter fall under the appointive authority of Council and include entities formerly supervised by the Board of Commissioners or formerly but no longer elected as independent offices. Where provisions of this charter require the presence of minority party representation on a board or commission, the member to be appointed shall be chosen from a list of three nominees submitted by the county chairman of the party receiving the second ranking total vote cast in the most recent municipal election.

§ 1.4-413. County Clerk.

The County Clerk is successor to the office of Chief Clerk. The County Clerk's duties include the recording, certification and implementation of Council's actions. In all other respects, the statutory duties of Chief Clerk are retained in the office of County Clerk. Council may assign to the County Clerk, from time to time, additional duties as required.

§ 1.4-414. Coroner.

Except as otherwise provided in this charter, the Coroner shall have all the powers and duties granted by Commonwealth law, by laws applicable to Counties of the Second Class A for Coroners, by this charter or by ordinance of Council. The Coroner shall be licensed to practice medicine in the Commonwealth.

§ 1.4-415. Recorder of Deeds.

Except as otherwise provided in this charter, the Recorder of Deeds shall have all the powers and duties granted by Commonwealth law, by laws applicable to Second Class A for Recorders of Deeds, by this charter or by ordinance of Council.

§ 1.4-416. Jury Commissioner.

Except as otherwise provided in this charter, the Jury Commissioners shall have all the powers and duties granted by Commonwealth law, by laws applicable to

Counties of Second Class A for Jury Commissioners, by this charter or by ordinance of Council. Appointees to the Jury Commission shall number two and shall include one appointee representing the party with the largest total vote cast in the most recent county municipal election and one appointee representing the party with the second ranking vote cast in the most recent county municipal election. Compensation for services of the jury commissioners is set at the rate of \$50 per diem not to exceed \$1,250 per commissioner in any calendar year. The term of office for Jury Commissioner shall be four years.

§ 1.4-417. Commissions and Authorities.

Council may from time to time, establish and abolish boards, commissions and authorities for the general purpose of providing information, findings of fact, recommendations, and action on matters and problems falling within the legislative responsibility of the Council. Upon appointment, each body shall determine its rules of procedures and shall keep records of its proceedings. The Council may authorize the payment of compensation to members of boards, commissions and authorities. This section does not apply to standing bodies whose permanent existence is authorized by this charter.

§ 1.4-418. Treasurer.

Except as otherwise provided in this charter, the Treasurer shall have all the powers and duties granted by Commonwealth law, by laws applicable to counties of the Second Class A for Treasurers, by this charter or by ordinance of Council. In addition, the functions of real property tax assessments and levy of the county personal property tax accomplished by the Board of Assessment Appeals, together with all staff assigned to the performance of said functions at the time this charter is implemented, are transferred to the office of the Treasurer. The Seated Lands and Tax Liens programs are assigned to the Treasurer. The Treasurer shall perform such other duties with respect to the collection of county taxes as shall be assigned by Council.

§ 1.4-419. Board of Personnel Grievances and Performance Review.

Council shall establish a permanent Board of Personnel Grievances and Performance Review which shall assist Council in the legislative function and provide procedures for the resolution of personnel grievances. The Board shall consist of three members to be appointed by Council for terms of two years. In addition, this Board shall evaluate the performance of all county funded programs and operations. The Board shall conduct performance audits at least once every four years in all entities of the county government. Upon completion of a performance audit, the Board shall make appropriate recommendations to the Council to improve the efficiency or effectiveness of the program or entity reviewed. Qualifications and compensation of the members of the Board shall be as determined by Council.

§ 1.4-420. Board of Tax Assessment Appeals.

Council shall establish a Board of Tax Assessment Appeals which shall perform the function of hearing and adjudicating taxpayer appeals from county real property tax assessments. The Boards shall consist of three members to be appointed by Council for terms of two years. The Board shall be convened as required. Qualifications and compensation of the members of the Board shall be determined by Council.

§ 1.4-421. Board of Elections.

Council shall establish a Board of Elections. The Board shall be responsible for the registration of electors and the conduct of elections as required by law. The Board shall consist of two appointees representing the party with the largest total vote cast for a seat on Council in the most recent municipal election and one appointee representing the party with the second ranking total vote cast in the most recent municipal election. The term of office for the Board of Elections shall be two years.

§ 1.4-422. Legal Staff.

Council shall appoint a County Solicitor who shall further have the authority to appoint Assistant County Solicitors in such numbers and at such annual salaries as shall be fixed by Council. The County Solicitor and Assistant Solicitors shall be learned in the law and admitted to the practice of law in the Commonwealth. This legal staff shall provide legal advice and assistance to all county offices and departments, whether elected or appointed, except for the offices of Controller and District Attorney.

§ 1.4-423. Board of Institution Management.

As further detailed in Section 1205, Council shall establish a Board of Institution Management which shall assume responsibility for the management of all lands and buildings, furniture and fixtures, automotive equipment, staff and other resources of the former County Institution District.

§ 1.4-424. Public Defender.

a. Council shall appoint a Public Defender, learned in the law and admitted to the practice of law in the Commonwealth, who shall exercise those powers and duties assigned and/or granted to this office by law, this charter, or by ordinance.

b. The Public Defender may appoint such number of assistants, including a first assistant, to assist him in the discharge of his duties. The Public Defender shall determine the number of assistants who shall perform on a full time basis.

c. The Public Defender shall prepare annual budget requests based on staffing and compensation levels which support full time operations to the extent required, subject to the budgetary approval of Council. The Public Defender may employ part time assistants.

§ 1.4-425. Office of Judicial Support.

Council shall establish an Office of Judicial Support which shall combine the offices of Clerk of Courts and Prothonotary. Except as otherwise provided in this charter, the Office of Judicial Support shall have all the powers and duties granted by Commonwealth law, by laws applicable to Counties of the Second Class A for Clerks of Courts and Prothonotaries, by this charter or by ordinance of Council.

§ 1.4-426. Court House Police.

Council shall establish a Department of Court House Police which shall maintain security, public safety and orderly conditions in respect to buildings and spaces comprising the County Court House complex, facilities and property, employ parking facilities, and such other duties as required to enforce general security in the Court House complex.

Notes of Decisions

The order of the Court of Common Pleas shall be reversed as a county employe was a “park guard” under the “Heart and Lung Act” at the time of his injury even though his principal duties were providing security at government complexes rather than in County parks. Since he was injured during the performance of his duties, he is entitled to benefits. *Krauss v. County of Delaware*, 639 A.2d 911 (Pa. Cmwlth. 1994).

§ 1.4-427. Executive Director.

Council shall appoint a County Executive Director who shall be responsible for administration and management of departments of county government not directly managed by Council. He shall serve a term of two years and shall be eligible for reappointment to an unlimited number of terms.

a. *Qualifications.* The County Executive Director shall be selected on the basis of demonstrated administrative qualifications and management competence as determined by Council. Formal education, prior administrative experience, and career attainments are factors which shall be taken into consideration by Council.

b. *Tenure of Executive Director.*

(1) The Executive Director shall enjoy undisturbed tenure during the term of appointment. He may be removed from office only for reasons of proven malfeasance, misfeasance, non-feasance, crime involving moral turpitude under the laws of the Commonwealth, or any other states, or the laws of the United States, behavior prohibited by the charter or under circum-

stances which, upon resolution of Council, impede or otherwise frustrate the effective and orderly discharge of the duties of the office of the Executive Director.

(2) Delivery of a resolution leading to discharge of the Executive Director from his office shall be in the form of a Bill of Particulars stating the Council's findings and removal determination. The discharge resolution shall not be effective until thirty calendar days have elapsed from the time and date of its delivery to the Executive Director.

(3) In the event of a response to the discharge resolution in a rejoinder conveyed to Council by the Executive Director within twenty days of receipt of a discharge resolution, Council may then only effectuate the discharge resolution upon an affirmative vote of four members taken within ten days of the receipt of the rejoinder.

(4) The Executive Director, upon receipt of a discharge resolution from Council, may also petition for judicial review within thirty days of receipt of a discharge resolution. Such petitions by the Executive Director shall be adjudicated on the standard of whether or not Council's discharge action was arbitrary and capricious action. The burden of proof shall reside with the Executive Director when such petitions are adjudicated.

(5) During the said thirty-day interim, or during the period between submission of a rejoinder and response of Council in a vote on the rejoinder, the Executive Director shall retain full authority of his office in respect to the conduct of official business.

(6) The right of the Executive Director to petition for judicial review of the discharge resolution shall expire thirty-one days after his receipt of the discharge resolution.

c. *Supervision and Appointments by the Executive Director.* The Executive Director shall have supervision over all departments under his authority except as otherwise provided in this charter. He may concurrently serve as the head of one or more such departments.

d. *Powers and Duties of the Executive Director.* The powers and duties of Executive Director with respect to those departments and other entities under his authority include but not by way of limitation:

(1) Supervision.

(2) Authorization of expenditures of county funds for departments under his supervision as well as accounting for such expenditures in accordance with budgetary limitations.

(3) Preparation for submission to Council, in coordination with all departments of the county government, of the annual county operating and capital budgets including estimates of revenues, analysis of bond issue requirements, impact statements relating to effects on service delivery of budget disapprovals, and long-term, five-year forecasts of spending requirements by capital budget program.

- (4) Execution and enforcement of all resolutions and orders issued by Council and pertaining to operations under his authority.
- (5) Conduct of intergovernmental liaison programs.
- (6) Provision of point of access for citizen and group presentation of requests and complaints relative to delivery of county services or execution of county business.
- (7) Appointment of personnel; department heads listed below shall be confirmed by a majority of Council:
 - (a) Central Purchasing
 - (b) County Personnel
 - (c) Administrative Services
 - (d) Human Resources
 - (e) Public Works
 - (f) Intercommunity Health Coordination
 - (g) Intergovernmental Programs
 - (h) Budget Management
 - (i) Public Relations
 - (j) Senior Citizen Services
 - (k) Consumer Affairs
 - (l) Planning
- (8) Monthly reporting to Council in respect to matters of county administration, progress of budget execution, and recommendations for legislative authorization when required to insure the efficient and orderly conduct of County affairs.

e. *Removal of Department Heads.* Appointees of the County Executive Director may be removed from office pursuant to procedures stated in the County Administrative Code, except that department heads appointed by the Executive Director serve at his pleasure and may be removed from office without prior restraint by procedures of the Administrative Code or intervention of the County Council.

§ 1.4-428. Departments Managed by the Executive Director.

a. *Central Purchasing.* The Department of Central Purchasing shall act as contracting officer for the county in the procurement of all supplies and services required for county operations.

b. *County Personnel.* The Department of County Personnel shall be responsible for the establishment of duties and qualifications for all positions staffed under merit procedures as specified in the Administrative Code. The Department of County Personnel shall additionally coordinate and oversee the hiring, training, assignment, re-assignment, rotation, performance evaluation, and discharge of all personnel in positions covered by merit procedures. It shall act as a centralized point of interviewing, screening, testing and referral for all persons seeking employment with the county government.

c. *Administrative Services.* The Department of Administrative Services shall act as a central source for data processing, management, phone, mail and file services to the county government.

d. *Human Resources.* The Department of Human Resources shall be responsible for the delivery of coordinated child care, mental health, and mental retardation services, and such other related programs as may be designated by Council from time to time.

e. *Public Works.* The Department of Public Works shall be responsible for repairs and maintenance of buildings and facilities in the Court House complex, county bridges, operation of the county garage and motor pool, county incinerator operations, and programs of soil and water conservation and snow removal.

f. *Intercommunity Health Coordination.* The Department of Intercommunity Health Coordination shall be responsible for the County Health Coordination Program, the delivery of emergency health services, mosquito and rodent control, and the County Medical Dispensary.

g. *Intergovernmental Affairs.* The Department of Intergovernmental Affairs shall be responsible for coordination of governmental activities related to grant and subsidy programs managed by the Commonwealth and federal governments.

h. *Budget Management.* The Department of Budget Management shall be responsible for execution of the annual budgets approved by Council, including regular reports of findings and recommendations aimed at optimum spending levels.

i. *Public Relations.* The Department of Public Relations shall be responsible for the County public relations and information program.

j. *Senior Citizen Services.* The Department of Senior Citizen Services shall be responsible for the delivery of services to assist senior citizens in matters relating to programs and problems of the aged.

k. *Consumer Affairs.* The Department of Consumer Affairs shall be responsible for the conduct of consumer protection services including the periodic inspection of weights and measures from which the sale of goods and materials is based.

l. *Planning.* The Department of Planning shall retain all functions and responsibilities formerly assigned to the County Planning Commission.

ARTICLE V. DISTRICT ATTORNEY

- Sec.
1.5-501. District Attorney.
1.5-502. Vacancies.
1.5-503. Appointments.
1.5-504. Qualifications of Detectives.
1.5-505. Compensation.

§ 1.5-501. District Attorney.

The District Attorney shall be elected to a four-year term. Except as otherwise provided in this charter, the District Attorney shall have all the powers and duties granted by Commonwealth law, by laws applicable to counties of the Second Class A for District Attorneys, by this charter or by ordinance of Council.

The District Attorney shall perform those duties necessary for the proper function of the Office and shall prepare for inclusion in the Administrative Code an article which sets forth the manner and procedure in which the duties of the District Attorney are to be performed.

Notes of Decisions

Since section 450(b) of the Second Class County Code (16 P. S. § 3450(b)) allows appointees to county offices or positions other than to elected offices to be removed at the pleasure of the appointing power, the District Attorney is authorized and empowered to discharge a county detective without a hearing; the provisions of 323 Pa. Code § 1211(b) (relating to employees' status and salaries) do not apply. *Hazel v. D'Iorio*, 433 A.2d 162 (Pa. Cmwlth. 1981).

§ 1.5-502. Vacancies.

Vacancies in the office of District Attorney shall be filled in the manner prescribed by law prior to adoption of this charter, or as shall hereafter be provided by law.

§ 1.5-503. Appointments.

a. The District Attorney may appoint such number of assistants as required including a First Assistant, learned in the law, to assist him in the discharge of his duties. The District Attorney shall determine the number of assistants required to perform on a full time basis.

b. The District Attorney shall appoint and supervise the Criminal Investigation Division whose function it shall be to provide to the District Attorney, local government police departments as requested, and such other law enforcement agencies or authorities as approved by the District Attorney, professional criminal investigative services in support of the county criminal justice system.

c. The District Attorney may appoint and supervise county detectives who shall have all powers presently conferred by Commonwealth law, who shall be general police officers and shall have all powers conferred on constables by existing laws of the Commonwealth so far as they relate to crime or criminal procedures.

Notes of Decisions

The District Attorney's power to appoint and supervise includes the power to discharge; the provisions of 323 Pa. Code § 503 are specific exceptions to 323 Pa. Code § 1211(b) (relating to employees' status and salaries), and the District Attorney is acting within his power when he discharges a county detective without a hearing. *Hazel v. D'Iorio*, 433 A.2d 162 (Pa. Cmwlth. 1981).

§ 1.5-504. Qualifications of Detectives.

Prior to the appointment of any person as a detective, the District Attorney shall file with the Office of Judicial Support, the name and photograph of such person, together with an affidavit of such person setting forth the following:

- a. His full name, age, and residency address;
- b. That he is a citizen of the United States of America, and at least eighteen years of age;
- c. That he has resided in the county for a period of at least two years immediately preceding the filing of the affidavit;
- d. That he has never been convicted of a crime involving moral turpitude under the laws of this Commonwealth or any other State or the laws of the United States.

§ 1.5-505. Compensation.

The District Attorney shall prepare annual budget requests based on staffing and compensation levels which support full time operations, subject to the budgetary approval of Council. The District Attorney may also retain part time assistants.

ARTICLE VI. CONTROLLER

Sec.

- 1.6-601. Powers.
- 1.6-602. Post-audit.
- 1.6-603. Special Post-audits.
- 1.6-604. Accounting.
- 1.6-605. Annual Report.
- 1.6-606. Other Duties.
- 1.6-607. Appointments.

§ 1.6-601. Powers.

Except as otherwise provided in this charter, the Controller shall have all the powers and duties granted by Commonwealth law, by laws applicable to counties of the Second Class A for Controllers, by this charter or by ordinance of Council.

§ 1.6-602. Post-audit.

On a continuing basis, the accounts of all county agencies receiving, disbursing or authorizing the disbursement of county funds, shall be subject to pre-audit and post-audit by the Controller. Upon recommendation by the Controller that an audit by the Commonwealth or by the United States of America is adequate, the county may, by resolution, exempt from county audit an agency whose records and accounts are audited each year by or with the approval of those governments.

§ 1.6-603. Special Post-audits.

At the request of the Council, Executive Director, or on the initiative of the Controller, special and unscheduled post-audits may be conducted.

§ 1.6-604. Accounting.

The Controller shall also advise the Council, other county offices and the Executive Director on a uniform accounting system for all county offices and departments. He shall be responsible to implement and maintain standard accounting procedures for the county government.

§ 1.6-605. Annual Report.

Within thirty days of the end of each fiscal year, the Controller shall submit a report on the county's revenues and expenditures to the Council and shall submit this report to such other offices as may be required by the Administrative Code.

§ 1.6-606. Other Duties.

The Controller shall perform those duties necessary for the proper function of the office and shall prepare for inclusion in the Administrative Code an article which sets forth the manner and procedure in which the duties of the Controller are to be performed.

§ 1.6-607. Appointments.

- a. The Controller shall appoint at least one deputy controller trained or experienced in the art of accountancy and such other assistants as may be required to assist him in the discharge of his duties, subject to the budgetary approval of Council.
- b. The Controller may appoint a solicitor.

ARTICLE VII. SHERIFF

Sec.

- 1.7-701. Powers.
- 1.7-702. Appointments.
- 1.7-703. Qualifications of Deputies.
- 1.7-704. Administrative Code.

§ 1.7-701. Powers.

Except as otherwise provided in this charter, the Sheriff shall have all the powers and duties granted by Commonwealth law, by laws applicable to counties of the Second Class A for Sheriffs, by this charter or by ordinance of Council.

§ 1.7-702. Appointments.

a. The Sheriff shall appoint, by Commission duly recorded in the Office for Recording Deeds, a Chief Deputy, whose appointment shall be revocable by the Sheriff at pleasure upon recording in said office a signed Revocation thereof. The Chief Deputy, during his continuance in office, shall have full power and authority to perform any duty incumbent upon such Sheriff with like effect in law as if such official act had been done by the Sheriff in person, regardless of the ability or temporary disability of such Sheriff to act while such Sheriff continues in office.

b. The Sheriff may appoint a real estate deputy to take charge of all matters relating to Sheriff's sales of real estate and distribution of the proceeds thereof, whose appointment shall be made and be revocable, as hereinbefore provided for the Chief Deputy. Such deputy shall have full power to perform all duties incumbent upon the Sheriff with respect to sales of real estate and distribution of proceeds thereof, in like manner as his Chief Deputy, with like effect in law as if such official act had been done by the Sheriff in person. Such duties shall include the execution and acknowledgment of Sheriff's deeds for real estate upon receipt of the purchase price thereof.

c. The Sheriff may appoint such deputies and clerks as may be required to assist him in the discharge of his duties, subject to the budgetary approval of Council.

d. Nothing herein shall operate to relieve the Sheriff or his sureties from liability upon their official bond.

§ 1.7-703. Qualifications of Deputies.

Prior to the appointment of any persons as a Chief Deputy or any other deputy sheriff, the Sheriff shall file with the Office of Judicial Support, the name and photograph of such person, together with an affidavit of such person setting forth the following:

- a. His full name, age, and residency address;
- b. That he is a citizen of the United States of America, and at least eighteen years of age;
- c. That he has resided in the county for a period of at least two years immediately preceding the filing of the affidavit;
- d. That he has never been convicted of a crime involving moral turpitude under the laws of this Commonwealth or any other State or the laws of the United States.

§ 1.7-704. Administrative Code.

The Sheriff shall prepare for inclusion in the Administrative Code an article which sets forth the manner and procedure in which the duties of the Sheriff are to be performed.

ARTICLE VIII. REGISTER OF WILLS

- Sec.
1.8-801. Powers.
1.8-802. Appointments.
1.8-803. Administrative Code.

§ 1.8-801. Powers.

Except as otherwise provided in this charter, the Register of Wills shall have all the powers and duties granted by Commonwealth law, by laws applicable to counties of the Second Class A for Registers of Wills and Clerks of the Orphans Court Division of the Court of Common Pleas, by ordinance of Council.

§ 1.8-802. Appointments.

The Register of Wills shall appoint a deputy or deputies and such other assistants as may be required to assist him in the discharge of his duties as Register of Wills and Clerk of the Orphans Court Division of the Court of Common Pleas, subject to the budgetary approval of Council.

§ 1.8-803. Administrative Code.

The Register of Wills shall prepare for inclusion in the Administrative Code an article which sets forth the manner and procedure in which the duties of Register of Wills are to be performed.

ARTICLE IX. FINANCIAL MANAGEMENT

- Sec.
1.9-901. Fiscal Year.
1.9-902. Budget Preparation.
1.9-903. Public Record.
1.9-904. Budget Review.
1.9-905. Budget Hearing.
1.9-906. Adoption.
1.9-907. Balanced Budget.
1.9-908. Budget Modification.
1.9-909. Independent Audit.
1.9-910. Capital Borrowing.

§ 1.9-901. Fiscal Year.

The fiscal year of the County shall commence on the first day of January and conclude on the last day in December of each year.

§ 1.9-902. Budget Preparation.

At least sixty days prior to the beginning of the fiscal year the Executive Director shall prepare and submit to Council an operating budget and capital spending program presenting the financial plan for conducting the affairs of the county for the ensuing year.

§ 1.9-903. Public Record.

The operating budget and capital spending program shall be public records, available for public inspection after submission to the council and prior to adoption, and after adoption, during regular business hours.

§ 1.9-904. Budget Review.

Council or a committee of Council shall review the operating budget and capital spending program and not later than the third Monday of November file with the County Clerk its report including any recommendations proposed therein.

§ 1.9-905. Budget Hearing.

Not later than the fourth Monday of November, the County Clerk shall give public notice of the time and place of a public hearing on the operating budget and capital spending program. The public hearing will take place between the third and tenth of December at a time and place designated by Council.

§ 1.9-906. Adoption.

Council in considering the total budget, may revise, alter, increase or decrease items in the operating and capital budgets. At least ten days before the beginning of the forthcoming fiscal year, Council shall adopt the total budget. If a total budget has not been adopted, as herein provided, on or before the first day of January, then Council may authorize a continuing spending resolution which shall authorize monthly expenditures not exceeding one twelfth of total expenditures recorded for the fiscal year just completed. Such resolutions shall have the effect of permitting the continued operations of county government, but may not be authorized for a period exceeding three consecutive calendar months, that is, beyond the final calendar day of the month of March. Thereafter, if Council has not adopted the budget, then the total budget as originally submitted by the Executive Director shall be the approved total budget for the current fiscal year.

§ 1.9-907. Balanced Budget.

When the budget shall have been finally adopted, the Council shall thereupon establish tax rates so that the budget shall be balanced as to revenue and expenditures.

§ 1.9-908. Budget Modification.

The County Council may by ordinance modify the budget after its final adoption.

§ 1.9-909. Independent Audit.

Prior to the 31st of December of each year Council shall provide for an independent annual audit of all fiscal affairs of the county government by a certified public accountant, a firm of certified public accountants, a competent independent public accountant, or a firm of independent public accountants, who have no personal financial interest, direct or indirect, in county government. Council may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the county shall be presented to Council. A summary of the annual audit and financial statement shall be published in at least one newspaper of general circulation in the county by no later than the first day of April in the year following the audited fiscal year.

§ 1.9-910. Capital Borrowing.

Council shall have the right to borrow funds for implementation of the County Capital Improvements Program.

ARTICLE X. SPECIAL PROVISIONS

Sec.	
1.10-1001.	Official Bonds.
1.10-1002.	Action of Council.
1.10-1003.	Rights and Liabilities of the County.
1.10-1004.	Continuation.
1.10-1005.	Pending Matters.
1.10-1006.	Private Use of Public Employes or Property.
1.10-1007.	Subpoena Power.
1.10-1008.	References to County Commissioners.
1.10-1009.	Severability.
1.10-1010.	Amendments.
1.10-1011.	Definitions.
1.10-1012.	Planning and Zoning.
1.10-1013.	Debt.
1.10-1014.	Exempted Service.
1.10-1015.	Safeguard Clause.
1.10-1016.	Local Municipal Services.
1.10-1017.	Code of Ethics.

§ 1.10-1001. Official Bonds.

a. Each of the following officers, before entering upon his official duties, whether he is elected, appointed or appointed to fill a vacancy, shall give and acknowledge a bond to the county:

- (1) Each member of Council;
 - (2) County Clerk;
 - (3) Executive Director;
 - (4) Controller;
 - (5) Treasurer;
 - (6) Head, Department of Judicial Support;
 - (7) Sheriff;
 - (8) Coroner;
 - (9) Recorder of Deeds;
 - (10) Register of Wills and Clerk of Orphans Court Division of Court of Common Pleas;
 - (11) Probation and Parole Officers required by order of Court to give bond to the County; and
 - (12) Such other officers as shall be designated by Council. Every such official bond shall be joint and several, with one or more Corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner of the Commonwealth.
- b. Council shall fix the amount of bonds of offices and employes paid from County funds.
- c. Each official bond shall comply with all of the requirements as established for official bonds by Commonwealth law applicable to counties of the Second Class A. The Controller shall be custodian of all official bonds, except that of his own office which shall be held by Council.

§ 1.10-1002. Action of Council.

By no later than December 31, 1976, Council shall approve and enact a County Administrative Code stating direction and detailed procedures with respect to but not limited to the following:

- a. Dual compensation arising from dual employment of appointed county officers and employes;
- b. Designation of positions by pay level subject to merit hiring, and the specific provisions therefor;
- c. Conflict of interest provisions for appointed officials from the department head level and higher, but also including similar provisions for elected county officers.
- d. Requirement that all elective and appointive County offices require full time service except as otherwise provided in this charter or the Administrative Code.
- e. Financial management procedures which implement reporting of monthly revenue and spending trends by departments and/or programs.
- f. Organizational structure and general functions of each department in the county government.
- g. Procedures for annual review of county employe pay scales.

h. Employee grievance appeal procedures.

i. Procedures for a Board of Merit Review composed of Council Chairman, the Executive Director, Head, Department of County Personnel, County Clerk and representation from the Board of Personnel Grievances and Performance Review. The Board of Merit Review shall be convened when questions arise as to the adequacy of qualifications possessed by an applicant for county employment, or an employee's qualification for promotion or job rotation, or related personnel qualification matters.

§ 1.10-1003. Rights and Liabilities of the County.

The county shall continue to own, possess, and control all rights and property, of every kind and nature, owned, possessed or controlled by it when this charter takes effect, and shall be subject to all its debts, obligations, liabilities, and duties.

§ 1.10-1004. Continuation.

All ordinances, resolutions, rules and regulations in force when this charter takes effect, to the extent not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded, or expired by their own terms. All ordinances and resolutions in continued effect shall be construed as given effect by this charter, but as of the date of their enactment.

§ 1.10-1005. Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings of the county government shall continue, except as modified pursuant to the provisions of this charter, and in each case shall be maintained, carried on or dealt with by the county officer or officers, department, office or agency appropriate under this charter.

§ 1.10-1006. Private Use of Public Employes or Property.

No officer or employe of the county, elected or appointed, shall direct or compel any other officer or employe of the county to do or perform any private service work outside of his public office or employment. No officer or employee shall perform any such work during the hours he is performing as a county employe; nor shall any officer or employe use or devote any county-owned property for any private purpose.

§ 1.10-1007. Subpoena Power.

Council, the Controller, the District Attorney, and such other officers, commissions, boards, or agencies of the county as Council may provide by ordinance, shall have the power to administer oaths, to compel the attendance of witnesses, and to require the production of records or other materials in connection with any investigation, inquiry or hearing authorized by law or this charter.

§ 1.10-1008. References to County Commissioners.

All references to the County Commissioners in the laws of the Commonwealth of Pennsylvania shall, at such time as the elected members of the first County Council take office, be construed to refer to Council whenever such construction would be consistent with this charter. Council shall succeed to all legislative powers heretofore residing in the County Commissioner.

§ 1.10-1009. 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 provisions of this charter, it being the intent of the electors of this county 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 invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

§ 1.10-1010. Amendments.

This charter may be amended pursuant to the provisions of the Pennsylvania Home Rule Charter and Optional Plans Law, Act of April 13, 1972, No. 62, as amended.

§ 1.10-1011. Definitions.

As used in this charter:

- a. Masculine pronouns shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural whenever the context shall require.
- b. The words “enact” and “adopt” and their derivatives, when used in connection with legislative acts of Council shall mean completion of action by Council in finally approving any item of business.
- c. The word “members” when used in connection with Council shall mean the whole number of persons duly elected and holding office as members of the County Council.
- d. The term “public notice” shall mean notice published in at least one newspaper having at least 35,000 net paid circulation per issue in the county. In the case of a Public hearing, such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing, and shall be given not more than thirty days and not less than seven days in advance of such hearing.

§ 1.10-1012. Planning and Zoning.

The county shall be subject to the provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P. L. 805, as amended, including those provisions that reserve the exercise of planning, zoning, and land development powers to local municipalities.

§ 1.10-1013. Debt.

The county shall be bound by the debt limit and other substantive provisions of the Local Government Unit Debt Act, Act of July 12, 1972, No. 185; as amended, of the Commonwealth of Pennsylvania.

§ 1.10-1014. Exempted Service.

Positions exempted from merit procedures are: (1) elected officers; (2) members of Boards, Commissions and Committees; (3) the heads of offices, boards and departments appointed by Council; (4) the Executive Director; (5) the heads of departments appointed by the Executive Director; (6) temporary, part time, intermittent or seasonal employees; and (7) employees required to be covered by a Commonwealth merit or civil service system.

§ 1.10-1015. Safeguard Clause.

In no way shall the provisions of this charter adversely affect the salary, tenure, retirement, employment, vacation, sick leave or other personnel rights of persons employed by the county on the date this charter becomes effective. Section 1211 further defines the rights of present and former county employees and officers.

§ 1.10-1016. Local Municipal Services.

Any local municipality in Delaware County, by action of its governing body or by initiative and referendum, may withdraw from a county exercise of a power or function, in accordance with the requirements and procedures for withdrawal set forth in the Pennsylvania Home Rule Charter and Optional Plans Law, Act of April 13, 1972, No. 62, as amended.

§ 1.10-1017. Code of Ethics.

All persons in county service shall maintain a high standard of conduct pursuant to the following Code of Ethics for county government officers and employees:

UPHOLD the Constitution, laws, and legal regulations of the United States, and of the Commonwealth of Pennsylvania as well as the provisions of this charter, and never be a party to their evasion.

SEEK to employ more efficient and economical ways of accomplishing necessary tasks and functions.

NEVER discriminate unfairly by the dispensing of special favors or privileges to anyone whether for remuneration or not, and never accept for oneself or anyone else favors or benefits under circumstances which may be construed by reasonable persons as conflicting with the honest performance of county duties.

ENGAGE in no business with the county, either directly or indirectly, which is inconsistent with the honest performance of official duties.

NEVER use information obtained confidentially in the performance of official duties as a means for making private profit.

EXPOSE corruption wherever discovered.

UPHOLD these principles recognizing that county office is a public trust.

ENTER into no private agreements which could in any way be construed to be adverse to the public interests.

ARTICLE XI. REFERENDUM

- Sec.
- 1.11-1101. Power of Referendum.
- 1.11-1102. Form of Council Referenda.
- 1.11-1103. Adoption of Approved Referenda.

§ 1.11-1101. Power of Referendum.

Council shall have the power to place issues and proposals relating to county policies on the ballot in the form of referendum questions in general; municipal or primary elections in the county. This power is discretionary and may be exercised as deemed necessary or appropriate by Council.

§ 1.11-1102. Form of Council Referenda.

Council shall place a referendum question on the ballot in the manner prescribed by law.

§ 1.11-1103. Adoption of Approved Referenda.

Referendum questions approved by a majority of the qualified electors shall be effectuated by Council in the form of county ordinances.

ARTICLE XII. TRANSITION PROVISIONS

- Sec.
- 1.12-1201. Nature of Article.
- 1.12-1202. Effective Date.
- 1.12-1203. Terms of Elective Officers not Affected by Home Rule.
- 1.12-1204. First Salaries of Elected Officers.
- 1.12-1205. Delaware County Institution District Dissolved.
- 1.12-1206. Abolishment of Salary Board.
- 1.12-1207. Schedule of Elections for County Officials.

- 1.12-1208. Offices Continued.
- 1.12-1209. Continuity.
- 1.12-1210. Chief Clerk’s Action.
- 1.12-1211. Employes’ Status and Salaries.
- 1.12-1212. Temporary Ordinances.
- 1.12-1213. Sequence of Transitional Changes
- 1.12-1214. Termination of Article.

§ 1.12-1201. Nature of Article.

The provisions of this Article shall relate to the transition from the existing commission form of government to the form of government provided in this charter. Where inconsistent with the preceding Articles of this charter, the provisions of this Article shall constitute temporary exceptions thereto.

§ 1.12-1202. Effective Date.

This charter shall, upon approval by referendum in the manner provided by law, become effective on the first Monday of January 1976.

§ 1.12-1203. Terms of Elective Officers not Affected by Home Rule.

All county officers elected to office prior to the effective date of this home rule charter shall complete the terms of office to which elected without interruption in the performance of statutory duties caused by application of any provisions of this charter and shall serve at the salary in effect at the time of their election. No consolidation or abolishment of an elective office or offices shall be authorized by Council while such elective terms remain unexpired, nor shall Council authorize appointment of a successor to such an elective office prior to expiration of his duly elected term of office. Upon completion of terms of office to which elected prior to the date of effect of this charter, Council may proceed, pursuant to provisions of this charter, to consolidate or abolish functions and/or formerly elective offices, and may further appoint personnel to supervise and manage the staffs and functions of such formerly elective offices.

§ 1.12-1204. First Salaries of Elected Officers.

The annual salaries for the first term, and until otherwise changed by action of Council for the elected officers of the county shall be as follows:

Chairman, County Council	\$30,300
Members, County Council	26,700
District Attorney	35,000
Controller	22,500
Sheriff	22,500
Register of Wills	22,500

§ 1.12-1205. Delaware County Institution District Dissolved.

The Delaware County Institution District shall be dissolved on the first Monday of January 1978, and its administrative duties and functions, lands and buildings, records, appropriations, personnel and equipment shall be transferred to the County Council, Board of Institution Management on that date.

§ 1.12-1206. Abolishment of Salary Board.

The Salary Board is abolished as of the effective date of this charter.

§ 1.12-1207. Schedule of Elections for County Officials.

a. Two members of the County Council shall be elected at the municipal election held November 1977. Three members of the County Council shall be elected at the municipal election held in November 1979. The first elections under this charter of the Controller, Register of Wills, and Sheriff shall take place in the municipal election of November 1977. The first election under this charter of the District Attorney shall take place in the municipal election of November 1979.

b. The three County Commissioners elected to office on November 5, 1975, upon the effective date of this charter, shall be renamed members of Council and shall perform the duties assigned to members of Council by this charter and shall serve at the total compensation in effect at the time of their election including that compensation derived from performance of duties related to the management of the County Institution District.

c. Prior to the first Monday of January 1978, when two additional seats on Council shall have been filled at the first election of Council held under this charter, the quorum, majority, and removal provisions defined in Article IV of this charter and elsewhere in the charter shall not be effective. Until such first election shall have resulted in the encumbering of two additional seats on the Council, a quorum of Council shall be two members. A majority and a removal vote shall be two votes. When two additional seats on Council shall have been filled pursuant to the first election of Council under this charter, the quorum, majority and removal provisions defined in Article IV of this charter and elsewhere in the charter shall take effect and supersede the foregoing interim quorum, majority and removal provisions; provided that said foregoing interim procedures shall not be effective upon or applicable to elected officers of county government who were elected to county offices prior to the effective date of this charter.

d. The foregoing interim quorum, majority and removal provisions shall be effective upon and applicable to the appointed office of County Executive Director.

§ 1.12-1208. Offices Continued.

All county offices, boards, commissions and committees not abolished by this charter, and not inconsistent with this charter, shall retain their existing organization and functions until modified by action of Council pursuant to the provisions of this charter. 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 boards or commissions shall be altered by Council.

§ 1.12-1209. Continuity.

a. All county ordinances, resolutions, rules, and regulations which are in force at the time this charter becomes effective which are not inconsistent with the provisions of this charter shall continue in force until amended, superseded, or repealed. Unless prohibited by the Constitution of the Commonwealth or an Act of the General Assembly of Pennsylvania, all laws relating to or affecting this county or its agencies, offices, or employes, which are in force when this charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

b. All rights, orders, actions, contracts, and legal or administrative proceedings of, or involving the county government, shall continue, except as modified pursuant to the provisions of this charter.

§ 1.12-1210. Chief Clerk's Action.

Upon approval of this home rule charter by the county's voters, the Chief Clerk will record the charter in the county's ordinance books. The Chief Clerk will also file a certified copy of the charter in the offices of: The Secretary of the Commonwealth; The Secretary of the Department of Community Affairs; and with the County Board of Elections.

§ 1.12-1211. Employes' Status and Salaries.

a. Nothing in this charter shall adversely affect the rights, including pension and retirement benefits, of persons who are county employes on the effective date of the charter. Nothing in this charter shall adversely affect the rights or privileges of any former county employe entitled to benefits.

b. All employes of the county on December 31, 1975, except those holding offices abolished by this charter, shall continue in employment, at rates of compensation during the year 1976 not lower than their salary levels existing on December 31, 1975, until succeeded or removed by action of Council.

Notes of Decisions

The provisions of 323 Pa. Code §§ 501 (relating to District Attorney) and 503 (relating to appointments) remove county detectives from being subject to the provisions of 323 Pa. Code § 1211(b); the District Attorney is authorized and empowered to discharge a county detective without a hearing. *Hazel v. D'Iorio*, 433 A.2d 162 (Pa. Cmwlth. 1981).

§ 1.12-1212. Temporary Ordinances.

a. In adopting ordinances, the County Council shall follow the procedures prescribed in Article IV, except that at its first meeting or any meeting held within 60 days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of county government and in which delay of the appropriate ordinance procedure would cause serious hardship or impairment of effective county government. Every temporary ordinance shall be plainly labelled as such but shall be introduced in the form and manner prescribed by Article IV.

b. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced, except that the public hearing requirements shall be observed for ordinances of certain types, as prescribed in Article IV. After adoption of a temporary ordinance, Council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal as it may specify.

c. Temporary ordinances, including any amendments made thereto after adoption, shall stand repealed as of the 91st day following the date on which it was adopted, and shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in Article IV.

§ 1.12-1213. Sequence of Transitional Changes.

The following sequence of actions shall be implemented by the County Council upon approval of this home rule charter. While the specific actions listed are not intended to delineate all necessary actions required to implement this home rule charter, the following identify the major transitional actions required for complete implementation:

<i>Action</i>	<i>Completion Date</i>
a. First meeting of Council under provisions of home rule	First Monday of January, 1976
b. First appointments under this home rule charter of: Board of Personnel Grievances and Performance Review, Board of Elections, legal staff.	First Monday of January, 1976

<i>Action</i>	<i>Completion Date</i>
c. Establishment of and selection of incumbent for the position of County Executive Director	Fourth Monday of January, 1976
d. Approval of a County Administrative Code.	December 31, 1976
e. Establishment or consolidation of county departments under supervision of County Executive Director. These are: Central Purchasing, County Personnel, Administrative Services, Human Resources, Public Works, Intercommunity Health Coordination, Intergovernmental Affairs, Budget Management, Public Relations, Senior Citizen Services, Consumer Affairs, and Planning.	June 30, 1976
f. First nominations of candidates for Council (2).	Primary Election of 1977
g. First elections of members of Council (2).	November 1977
h. Abolishment of the office of Clerk of Courts; establishment of the Office of Judicial Support and Board of Institution Management; transfer of functions of Clerk of Courts to the Office of Judicial Support.	First Monday of January, 1978
i. First appointment of County Coroner under this home rule charter; first assumption of office by additional members of Council (2).	First Monday of January, 1978
j. Second nominations of candidates for Council (3).	Primary Election of 1979
k. Second elections of members of Council (3).	November 1979
l. First appointments under this home rule charter of: Recorder of Deeds, Jury Commissioner (2), Treasurer, and Board of Tax Assessment Appeals; second assumption of office by members of Council (3).	First Monday of January, 1980
m. Abolishment of the office of Prothonotary.	First Monday of January, 1980

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<i>Action</i>	<i>Completion Date</i>
n. Transfer of functions of Prothonotary to the Department of Judicial Support.	First Monday of January, 1980

The foregoing actions and the indicated completion dates require mandatory performance by the Council. With respect to those provisions covering administrative actions by the Council, the completion dates are not mandatory but may be accomplished in advance at the discretion of Council.

§ 1.12-1214. Termination of Article.

This article shall terminate and cease to be a part of this charter when the county Solicitor issues a written opinion declaring that all actions required herein shall have been complied with by the Council.

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