

**ORDINANCE NO. 2012-23**

**AN ORDINANCE OF THE RADNOR TOWNSHIP BOARD OF COMMISSIONERS, DELAWARE COUNTY, PENNSYLVANIA, PROPOSING AMENDMENTS TO THE RADNOR TOWNSHIP HOME RULE CHARTER IN ACCORDANCE WITH THE PENNSYLVANIA HOME RULE CHARTER AND OPTIONAL PLANS LAW, AMENDING ARTICLE VII, SECTION 7.11 CONTRACTS, AND REQUESTING THE BOARD OF ELECTIONS TO PLACE THE PROPOSED REFERENDUM QUESTIONS ON THE MAY 21, 2013 PRIMARY BALLOT.**

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

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

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

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

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

**Section 1. Article VII, Contracts.**

The Radnor Township Board of Commissioners hereby initiates a referendum to amend §7.11 to read as follows:

§ 7.11. Contracts.

No contract shall be made or obligation incurred unless there is a sufficient unencumbered balance in an appropriation and sufficient money is available to cover the contract or meet the obligation when it becomes due and payable. Any official who authorizes knowingly a contract to be made in violation of this provision shall be subject to removal from office and liable to the township, or its surety, for any loss incurred as a result of such action. The Board shall provide in the Administrative Code the procedures for letting contracts which shall not be inconsistent with this Charter or law.

Key: [ ] = Delete; \_\_\_ = Add

- A. Written contracts. All contracts of the township shall be in writing, either in the form of a purchase order or more formal document. For sums in excess of \$3,000, the document shall bear signatures of the Township and the vendor or contractor.
- B. Contracts requiring approval by ordinance. Authorization for contracts for the purchase, sale, lease or use of real estate or for the construction of public capital improvements shall be given by ordinance, and such contracts shall be signed by the President of the Board as well as the Manager. Any official authorized to execute a written contract shall submit a form of contract to the Township Solicitor for approval before execution. All contracts requiring approval by Ordinance shall be submitted to the Township Solicitor for legal review prior to final execution.
- C. Expenditures not exceeding \$7,500. The Manager may, within the amounts and items appropriated by the Board, but otherwise without specific Board approval for such purchase or contract, make purchases and enter into contracts on behalf of the Township involving expenditures not in excess of \$7,500.
- D. Expenditures exceeding \$7,500. All expenditures above \$7,500 shall require Board of Commissioners' specific approval, subject to the following:
- (1) Emergency expenditures. Emergency expenditures may be made without Board of Commissioners' prior approval when obtaining the Board's approval would be impracticable and provided that such emergency expenditures are promptly thereafter presented to the Board of Commissioners for its approval.
  - (2) Expenditures of \$25,000 and above. Expenditures of \$25,000 and above shall only be authorized by the Board of Commissioners pursuant to a contract made with the lowest responsible and responsive bidder after public advertising and receipt of bids in the manner provided.
- E. No-bid contracts. Regardless of the amount of same, the following expenditures may be authorized by the Board of Commissioners without being subject to the advertisement and public bidding procedures in the Charter:
- (1) For the acquisition of real estate;
  - [(2)For the discharge on non-contractual claims against the Township;]
  - (2) For professional services;
  - (3) For the joint use of facilities or exercise of powers with other political subdivisions; or
  - (4) For products or services of public utilities including those operated by political subdivisions or other municipal entities.

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- F. Piecemeal evasion prohibited. No person shall evade the provisions of this section of the Charter by purchasing or contracting for materials, supplies or services piecemeal, when the transactions would, in the exercise of reasonable discretion and prudence, be considered as one transaction amounting to more than \$7,500.
- G. Limit on terms. The terms of contracts for the purchase of materials, supplies and services shall not exceed 3 years. The term for contracts, leases or service agreements for capital equipment may be extended by the Board to a period longer than 3 years, but in no event longer than the expected usable life of such capital equipment.
- H. Future adjustment of dollar limitations. The Board may increase by ordinance the dollar limitations contained in this Section to reflect inflation. Such increases must be approved by an affirmative vote of 2/3 of the Commissioners.

**Section 2. Ballot Question.**

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

***“Shall the Radnor Township Home Rule Charter be amended to: 1) revise the contract procedure to authorize the Township Manager to approve contracts involving expenditures not exceeding \$7,500; 2) require expenditures exceeding \$7,500 to be approved publicly by the Board of Commissioners; 3) require public advertising and public bidding procedures be met for expenditures of \$25,000 and above; and 4) provide for a procedure to permit emergency expenditures without the Board of Commissioners’ prior approval and to permit the future adjustment of the dollar limitations for expenditures to reflect inflation upon an affirmative vote of two-thirds of the Commissioners.*”**

**YES OR NO**

- B. Plain English Version: The ballot question, as authorized by Township Ordinance No. 2012-23, asks the voters of Radnor Township to raise the public bidding requirements from \$3,000, the current bid threshold under the existing Charter, to a three-tier system whereby the Township Manager may authorize expenditures not exceeding \$7,500, requiring expenditures exceeding \$7,500 but less than \$25,000 to be submitted for public approval by the Board of Commissioners, and thirdly, to require expenditures of \$25,000 and above to meet public bidding and public advertising requirements. The question also permits emergency expenditures without prior approval by the Board of Commissioners, provided that the expenditures are promptly thereafter publicly presented to the Board of Commissioners for approval. Finally, the question would permit the future adjustment of dollar limitations for such expenditures to be increased by ordinance to reflect inflation upon an affirmative vote of two-thirds of the Commissioners.

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**Section 3. Calling for Election.**

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

**Section 4. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

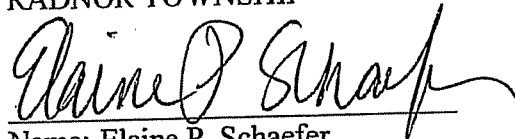
**Section 5. Severability.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**Section 6. Effective Date.** This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

**ENACTED** and **ORDAINED** this 7<sup>th</sup> day of January, 2013.

RADNOR TOWNSHIP

By:



Name: Elaine P. Schaefer

Title: President

ATTEST:



Robert A. Zienkowski, Secretary