

CHALFONT BOROUGH CHARTER AMENDMENT REFERENDUM

Shall the Chalfont Borough Charter be amended to comply with Act 43 of 2012, the most recent update to the Pennsylvania Borough Code, which includes 1) the removal of elected officials and filling of vacancies; 2) a telecommunication policy; 3) contract procedures; and 4) repeal of recall elections; as well as administrative amendments to 1) prohibit elected officials from sitting on the Planning Commission and HARB while in office; 2) make the ordinance penalties refer to the Chalfont Borough Fee Schedule; and 3) make the effective dates of ordinances immediate?

YES or NO

PLAIN ENGLISH EXPLANATION OF BALLOT QUESTION

Chalfont Borough's Charter dates back to 1976. There have been a few modifications to the Charter since that date, allowing for changes to administrative responsibilities and the investment policies of the Borough, but there has never been a comprehensive review and update in the past 30+ years.

After the Pennsylvania Legislature passed the Borough Code Update last year, the Borough Council decided it would be a good time to update Chalfont's Charter, and appointed a committee to work on that compliance. During this review, the Committee also made recommendations for several other areas to be modified to fit the current standards and practices of the Borough.

These proposed amendments may take effect only if a majority of voters are in favor of this referendum.

The following sections reflect those that are allowed under the Borough Code but need to be updated in the Charter:

- Removal of an elected official: The courts have ruled that the Pennsylvania Constitution provides the exclusive grounds for the removal of an elected official.
- Any appointed person must run for their seat in the next election.
- The rate of the Mayor's compensation should not exceed that set by the Commonwealth of Pennsylvania.
- Council may provide for the participation of council members in meetings of Council by means of telecommunication devices. There are stipulations regarding this section, including the provision that a quorum of Council must be present at the meeting, and that Council may only authorize telecommunication for reasons including but not limited to illness and travel.
- Contracts: instead of establishing its own procedures, the Borough will follow those set by the state.
- Both the budget and the tax ordinance must be adopted prior to the end of the year.
- Recall Elections: This section is hereby repealed as the Pennsylvania Supreme Court in a unanimous opinion ruled that recall is unconstitutional.

The following changes are administrative ones not addressed by the Borough Code:

- No elected Borough official, while in office, shall hold any other Borough office, Borough employment, or seat on the Borough Planning Commission or Historic Architectural Review Board.
- The penalty for the violation of any ordinance shall be in accordance with the Chalfont Borough fee schedule.
- Ordinances should be effective immediately after adoption.