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Administrative Code

ARTICLE 3. ORGANIZATIONAL STRUCTURE - DEPARTMENTS AND OFFICIALS

Section 1. Elected Officials.

As set forth in the Charter, the elected officers of the City will be the Mayor, seven Council members and the Controller.

Section 2. Departments.

The City shall have a Department of Administrative Services and such other departments as established from time to time by ordinance of Council. All of the administrative functions and duties of the City other than those vested in the City Clerk and City Controller by the Charter, shall be allocated and assigned by the Mayor among and within such departments. Department Directors shall be appointed in the manner prescribed by the Charter and shall report directly to the Mayor. Should Council at any time waive a residency requirement for a Director, that waiver shall apply for as long as that Director is employed by the City.

The consent of Council to the appointment of any Department Director and/or the waiver of any residence requirement of a Department Director shall be evidenced by a resolution. Any Director currently serving at the time of this Administrative Code is adopted shall be exempt/waived from the residency requirement.

The following Departments and major administrative units are hereby established:

1. Office of the Mayor
2. Department of Administrative Services
3. Department of Public Works
4. Department of Community Planning and Economic Development
5. Department of Neighborhood Engagement
6. Bureau of Police
7. Bureau of Fire

Each department and major administrative unit listed above shall be headed by a Director or Chief appointed as set forth in the Charter who shall, under the direction of the Mayor:

1. Direct the performance of all duties and responsibilities required of the department as provided by ordinances of the City, state law, or this Administrative Code, and any other duties as may be required by the Mayor which are not in conflict with law or ordinance.
2. Prescribe the internal organization of the department or major administrative unit and the duties of subordinate officers and employees within the departments.

3. Assign functions, powers and duties to subordinate officers and employees within the department or major administrative unit and modify such assignments as necessary.
4. Direct and supervise the work of the department or major administrative unit and its employees in accordance with the provisions of the Administrative Code and ordinances of the City.
5. Delegate to deputy directors, bureau chiefs and other officials such power as deemed necessary for efficient administration of the department or major administrative unit.
6. Report at least annually or at such times as Council deems necessary to the Mayor and Council, in such form as shall be approved by the Director of Administrative Services, on the work of the department or major administrative unit during the preceding year.
7. Directors and chiefs shall themselves or through their subordinates, in addition to all other appropriate areas of responsibility, interact, where applicable, with the various boards, commissions and authorities of the City where relevant and appropriate to their department or major administrative unit.
8. The direction, supervision and control of the Bureau of Police shall be vested in a Chief of Police who shall be one trained and experienced in police work. The Chief shall act under the direction of the Mayor. The Chief shall not be regarded as a member of the police force within the provisions of this code and other ordinances which apply to the Bureau, unless specifically included. The Chief shall be deemed to exercise authority over the execution of grave public duties and shall, therefore, hold office at the pleasure of the Mayor.
9. The direction, supervision and control of the Fire Bureau shall be vested in the Fire Chief. The Fire Chief shall be one who has had training and experience in the work of fire prevention and protection. The Fire Chief shall be appointed by the Mayor, by and with the consent of the Council, and shall act under the direction and supervision of the Mayor. The Fire Chief shall be deemed to exercise grave public duties and shall serve at the pleasure of the Mayor.

No person shall serve as an acting director or acting chief for more than ninety (90) days unless confirmed by Council and without having attended one (1) regular meeting of Council following their appointment to act as such wherein the Council may call forward said individual to ascertain their fitness to serve. The Mayor shall provide notice to the City Clerk of the attendance of any such individuals prior to the applicable regular meeting of Council.

Except as otherwise set forth in the Charter, in case of death, resignation, sickness, absence or inability of a director or chief to serve, the Mayor shall designate in writing, filed with the City Clerk, a deputy to act in their stead and to exercise the powers and discharge their duties during the absence or disability or until a new director or chief is appointed, except the powers of appointment and dismissal of employees, which shall be assumed by the Mayor. Notwithstanding the foregoing, the Mayor, with Council's consent, may appoint an Interim Director to serve for a period of time specified in the appointment, which appointment shall follow the same procedure as the appointment of a Director. The named deputy shall be an existing City employee with knowledge of the workings of the department or bureau they are named to oversee and their designation may be revoked at any time in a writing filed with the City Clerk by the Mayor, Director, or Chief. Any such designated deputies may be required by resolution of Council to post bond.

Each department and/or major administrative unit shall have the power to prescribe policies, rules and regulations, not inconsistent with any law or ordinance regulating its governance, the conduct of its officers and employees, the distributions and performance of its business, and any other matter necessary for the performance of its duties and obligations. All departmental policies, rules, and regulations that impact the delivery of services to the public must be filed with the City Clerk and Office of the Mayor, and, unless otherwise prohibited by law, legal privilege or public safety concerns, be posted on the City's publicly accessible website.

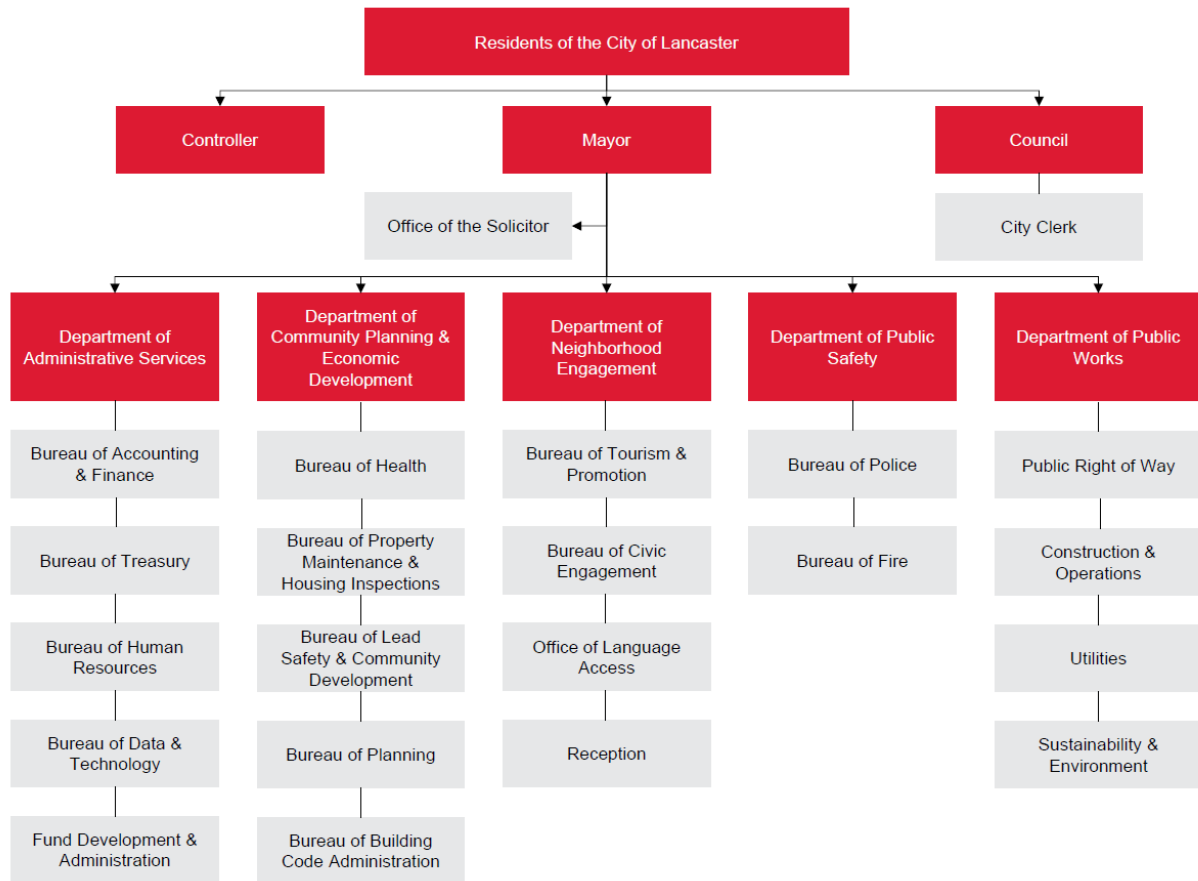
Section 3. Other Appointed Officials.

The City shall have: (i) a City Solicitor and may have assistant solicitors and special counsel appointed by the Mayor and approved by Council; (ii) a Deputy Mayor designated in writing by the Mayor delivered to Council; (iii) a City Engineer appointed by the Mayor; (iv) a Deputy Controller; and (v) a temporary Deputy Controller. The consent of Council to the appointment of the City Solicitor, any assistant solicitors or special counsel, or a Deputy Controller shall be by resolution. Should Council choose to appoint a temporary Deputy Controller in accordance with Section 4.09 (f) of the Charter, it must do so by resolution. The Mayor shall appoint and prescribe the duties of a City Engineer and the appointment must be made in writing to Council and state as to whom the City Engineer reports and their roles and obligations. Notwithstanding the appointment of a City Engineer and the description of their roles and duties as set forth above, all engineering work undertaken by the City shall be performed or supervised by registered professional engineers approved by the Director of the Department of Public Works, the Mayor or another Department director assigned that responsibility by the Mayor. Should the Mayor appoint an engineering firm or registered engineer who is not an employee of the City as City Engineer, that appointment must be approved by Council resolution.

Section 4. Organizational Chart.

The Organizational Chart of the City is set forth below. This organizational chart shall change automatically upon the adoption of any ordinance adding, deleting or modifying departments. Changes made by the Mayor to bureaus, divisions and other delineations of administrative function and duty shall be reported to Council promptly when made. The Organizational Chart is to be included with the presentation of the annual operating budget and must specify any changes, amendments or adjustments being proposed and/or made.

CITY OF LANCASTER ORGANIZATIONAL CHART



Section 5. Provisions Specific to the Bureau of Police.

- A. The Bureau of Police shall be composed of such divisions as deemed necessary and appropriate by the Chief of Police and the Mayor, which divisions may include the following: Patrol; Investigative; and Administrative Services.
- B. The number of sworn members of the Bureau of Police, including the Chief of Police, shall be determined from time to time by the Chief of Police and the Mayor.
- C. The various ranks and grades and the numbers thereof shall be as follows: One Chief of Police and such other ranks and numbers as deemed necessary and appropriate by the Chief of Police and the Mayor which may include Captains, Lieutenants, Sergeants, Detectives, Patrol Officers and others.
- D. All personnel currently assigned to the Investigative Division as Sergeants, Detectives Second Grade or Youth Officers shall remain in those positions unless promoted or transferred for operational reasons by the Chief of Police, or transferred by their own request with approval of the Chief of Police or through attrition, by their own retirement, etc. However, this shall in no way prohibit their reduction in rank or grade if done for disciplinary reasons.
- E. The ranks of Captain, Lieutenant, Sergeant and Detective shall constitute the superior officers of the Bureau of Police.
- F. Recruits for the Bureau of Police, excluding police officers temporarily appointed as provided by law, shall be selected from lists provided by the Civil Service Board and shall be appointed by the Mayor.
- G. Sworn members of the Bureau shall perform such duties and comply with such regulations as may be prescribed by the Mayor, the Chief of Police and their respective superior officers.
- H. Performance evaluation of members of the Bureau of Police shall be administered by the Bureau, shall consist of a method approved by the Civil Service Board and shall be governed by the following:
 - 1. Recommendation for appointment to the rank of Captain shall be made by the Chief following consultation with existing Police Captains and appointment shall be made only with the consent of the Mayor.
 - 2. Selection for nomination for promotion to the ranks of Lieutenant, Sergeant and Detective shall be made from eligibility lists, established by the Civil Service Board, for the Bureau. Subject to the provisions below related to performance evaluation, ranking on the eligibility lists shall be determined as follows: (i) written examination – 42.5%; staff evaluation – 57.5%; and (iii) for sergeants and lieutenants, seniority points of up to a maximum of five shall be given with one-half point being granted for each full year of service after completion of the first five complete years of service. With respect to this process: (i) Each member of the Bureau of Police eligible for promotion to the rank of Lieutenant, Sergeant or Detective shall attain a minimum passing score in the written examination; (ii) The passing score for the written examination shall be determined by the Civil Service Board in accordance with the most recently adopted version of the Rules and Regulations of the Civil Service Board for the Examination of Applicants to Positions in the Bureau of Police; and (iii) Candidates obtaining a passing score shall undergo oral examination by the Staff Evaluation Board, which oral examination score shall be applied as set forth herein. Under no circumstances shall members of the Staff Evaluation Board know the written examination score of any candidate prior to conducting their evaluation. A member of the Civil Service Board may be present during such evaluation.
 - 3. The Civil Service Board shall govern the composition of the written examination and the general tenor of the staff evaluation and both the examination and the evaluation shall be given under the

- general supervision of the Board which shall prescribe, with advice from the Chief, the procedures and regulations for their administration.
4. Selection for promotion to the ranks of Lieutenant, Sergeant and Detective shall be made from nominee lists based on the eligibility lists, and the establishment of such lists shall be governed by the following: (i) the number of nominees shall exceed by two the number of vacancies; and (ii) the nominee to be recommended shall undergo a psychological evaluation and physical examination on a pass/fail basis, which the nominee shall have passed prior to being recommended for the position.
- I. The following are the minimum eligibility requirements for promotion to each rank:
 1. Captain. A Lieutenant, who holds civil service status for the rank, regardless of assignment, shall be eligible for promotion to Captain.
 2. Lieutenant. A Sergeant, who holds Civil Service status for the rank, regardless of assignment, shall serve not less than two years in rank before being eligible to participate in the process for promotion to Lieutenant as provided above.
 3. Sergeant. A patrol officer shall serve not less than four years in grade before being eligible to participate in the process for promotion to Sergeant, as provided above.
 4. Detective. A patrol officer shall serve not less than four years in grade before being eligible to participate in the process for promotion to Detective as provided above.
 - J. Performance evaluations of the members of the Bureau of Police shall be administered by the Bureau, shall consist of a method approved by the Civil Service Board and shall be governed by the following:
 1. The Chief of Police shall be evaluated by the Mayor.
 2. Each member of the Bureau shall be evaluated by their immediate superiors, i.e., those by whom they are regularly supervised.
 3. Each member of the Bureau, excluding the Chief and probationary patrol officers, shall be evaluated at least once every year. No candidate shall be eligible for promotion, to take a required promotional examination/evaluation as set forth above or to be included upon any eligibility list if such candidate received a mark of unsatisfactory in any category on such candidate's most recent performance evaluation.
 4. Probationary patrol officers shall be evaluated six and 12 months following induction.
 5. All evaluations shall be reviewed by the immediate superior of the evaluator and by the Chief and may be reviewed also by the Mayor.
 6. Each member of the Bureau shall be entitled to see their evaluation chart and to review it with their evaluator.
 - K. Upon the filling of a vacancy in a grade other than Chief of Police and patrol officers, the filling of such vacancy by promotion shall be reported to City Council and such report shall be made part of the minutes of City Council.
 - L. The following procedures and lists shall be applied maintained in conjunction with filling vacancies in the ranks of Lieutenant, Sergeant and Detective:
 1. Eligibility lists, which rank candidates for nomination for promotion to Lieutenant, Sergeant and Detective in accordance with the procedures set forth above shall remain in effect for one year, unless extended by the Civil Service Board.
 2. Nominee lists, which list candidates for promotion to Lieutenant, Sergeant and Detective, shall remain in effect until the corresponding vacancy(ies) is filled.

3. Any vacancy within these ranks that occurs during the aforementioned year shall require the establishment of a nominee list. The filling of any vacancy in either rank after the aforementioned year shall require the establishment of a new eligibility list.
 4. If the Chief of Police and Mayor elect to fill the vacancy or to otherwise create a new Detective, Sergeant or Lieutenant position, one of the nominees from the appropriate list shall be approved for such promotion.
- M. Promotions of existing employees of the Bureau of Police are subject to the following: (i) all promotions within the Bureau of Police shall be made for a two-year probationary period; and (ii) no less than one month prior to the end of the probationary period a recommendation shall be made, by the appropriate superior officer, for retention or demotion of the probationer.
- N. All new hires within the Bureau of Police are subject to the following: (i) all new hires within the Bureau of Police shall be made subject to a probationary period which shall extend for two years subsequent to their graduation from the police academy and/or completion of training in accordance with the provisions of the Act of June 18, 1974 (P.L. 359, No. 120) as is and may be amended, or in the instance of a new hire who at the time of their hire has already graduated from the Police Academy or completed their training, two years from the date of their hire; (ii) no less than one month prior to the end of the probationary period, a recommendation shall be made, by the appropriate superior officer, for retention, demotion or dismissal of the probationer; and (iii) at any time during the probationary period, the probationer may be dismissed for just cause. If at the close of the probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that they will not receive permanent appointment, whereupon their employment as a police officer shall cease; otherwise, their retention subsequent to the expiration of their probationary period shall be equivalent to their permanent employment as a police officer.

Section 6. Provisions Specific to the Bureau of Fire.

- A. The Fire Bureau shall hereafter consist of superior officers and firemen (including the Fire Chief, but excluding special duty officers and private or temporary extra firemen who may be appointed as provided by law), who shall comply with such regulations as may be prescribed by the Mayor, the Fire Chief or their respective superior officers within the force, and shall hold office for the term prescribed by law.
- B. All members of the Fire Bureau shall be termed "firemen," except those who may be designated by the Mayor, by and with the consent of the Council, as superior officers, of which the following may be appointed to hold such rank or designation and assignment at the pleasure of the Council: Deputy Chiefs, Battalion Chiefs, Captains and Lieutenants.
- C. The number of members of the Bureau of Fire, including the Fire Chief, shall be determined from time to time by the Fire Chief and the Mayor.
- D. The various grades and number of officers in each grade shall be no less than as follows:
- (1)** Fire Chief: one.
 - (2)** Deputy Chiefs: one.
 - (3)** Battalion Chiefs: four.
 - (4)** Captains: four for Suppression and one as Captain of the Fire Marshalls.
 - (5)** Lieutenants: twelve for Suppression and three as Assistant Fire Marshalls.
- E. If there is a reduction in the number of active first line pumpers, ladder trucks or aerial platforms, any officer presently assigned to such piece of apparatus thus eliminated shall not be reduced in rank

because of such elimination. All other members of the Bureau of Fire not designated above shall have the grade of fireman.

- F. The Fire Marshal shall perform all duties prescribed by the Acts of Assembly of the Commonwealth of Pennsylvania, and such duties as the Council by ordinance shall direct.
- G. Special Duty Officer: In addition to the foregoing, one mechanic may be attached to the Fire Bureau as a Special Duty Officer, who need not be a member of the Fire Bureau, but who shall be appointed by the Mayor, by and with the consent of the Council, to hold such rank or special designation and assignment at the pleasure of the Council.
- H. The following provisions govern promotion of members of the Bureau of Fire:
 - 1. Promotions to the rank of Assistant or Deputy Chief shall be made by the Fire Chief and the Mayor.
 - 2. Promotion to Battalion Chief, Captain, or Lieutenant shall be made from eligibility lists established annually by the Civil Service Board pursuant to the procedures as set forth throughout this section. All other vacancies are subject to the labor agreement between Local 319 I.A.F.F. and the City of Lancaster.
 - 3. The location, time, date and test resource material (if such is provided for any written exams) for the positions of Battalion Chief, Captain or Lieutenant shall be posted at the time of the initial examination announcement. Subsequently, the location, time and date of the oral exam shall be posted.
 - 4. Eligibility for candidates to take promotional examinations shall be as follows:
 - (1) For the position of Fire Lieutenant, minimum of two years in grade as a Journey Firefighter.
 - (2) For the position of Fire Captain, minimum of two years in grade of Fire Lieutenant.
 - (3) For the position of Fire Battalion Chief, minimum of two years in grade of Fire Captain.
 - 5. A minimum score of 70% on the written test and 70% on the oral test will be required in order for the candidate to be placed on the eligibility list. Percentage and point values for promotional testing on the three sections are as follows:
 - Section 1, written examination: 60%.
 - Section 2, oral examination: 40%.
 - Section 3, seniority points. An allowance of 1/2 point for each full year of service in the grade the candidate is in at the time of eligibility for promotion, not to exceed a total of five points, shall be added to the total and final grade of each candidate, after the candidate has received a 70% grade on both the written and oral examinations.
 - 6. The Civil Service Board will establish proper precautions to prevent unauthorized persons from securing, in advance, questions to be used in a test.
 - 7. All examinations shall be given under the general supervision of the Civil Service Board which shall prescribe the regulations and procedures to be followed in taking examinations.
 - 8. Oral examinations are to be given by an Oral Examination Board composed of not less than three persons. One shall be an individual who is not affiliated with the fire service profession but has experience and training in the human resources/management field and the remaining members will be paid fire service chief officers. The Oral Examination Board members shall be individuals who have not previously served in a professional capacity with any of the candidates to be examined.

The Civil Service Board shall appoint the Oral Examination Board with input from the Chief and Deputy Chief. A member of the Civil Service Board shall be present during the oral examinations. Also, a member of Local 319 who is not a candidate for the tested position shall be present during the oral examinations; provided, however, that the union member complies with any procedures and signs any confidentiality documents required by the Board's Secretary as necessary to protect the confidentiality of the oral examinations. Further, if a candidate does not want a member of Local 319 present during the time the candidate takes their oral examination, there shall be no member of Local 319 present during that candidate's oral examination.

9. All final total scores from the eligibility list shall be posted as directed by the Board. Candidates who have not achieved a passing score of 70% may receive their scores from the office of the Fire Chief.
10. Should a tie exist on the eligibility list, the candidate with the longest period of service at the Fire Bureau shall be placed ahead of the person with whom the tie exists.
11. All promotional eligibility lists certified by the Civil Service Board shall be valid for a period of one year from the date of certification.
12. Promotions shall be filled, as far as practicable, from among persons holding positions in the next lower grade in the Fire Bureau.
13. Procedure for Civil Service certification and promotion in the Fire Bureau shall be as follows:
 - i. The Mayor shall request of the Civil Service Board the certification of a list for possible promotion and when so requesting, the Mayor or Chief shall indicate to the Civil Service Board the rank for which certification is requested.
 - ii. The Civil Service Board shall submit a certified list of the three highest scoring candidates, from a list being effective for a period of not more than two years from the date of certification. If there are less than three candidates on the eligibility list, the Civil Service Board shall submit those so certified.
 - iii. The Mayor, after consideration of the recommendation from the Chief, may appoint from the highest scoring three applicants certified as eligible by the Civil Service Board, one of the individuals for the position.
 - iv. If there are less than three applicants so certified, the Mayor, after consideration of the recommendation from the Chief, may select from the one or two on the list so certified for the position.
 - v. If the Mayor chooses to promote, the person shall be approved, the promotion reported to City Council and such report shall be made part of the minutes of City Council.
 - vi. Should the Mayor not approve any of the persons on the list certified by the Board, no promotion shall be made.
 - vii. The Mayor shall make appointments with sole reference to the relative merit and fitness of the candidate.
 - viii. Once an individual is approved for promotion, everyone remaining on the list shall move up one place on the list, except those individuals who were higher on the list than the individual promoted.
 - ix. If the name of any candidate has been submitted to the Mayor and rejected three times, then such name shall be stricken from the eligibility list.

- x. If the name of any candidate has been submitted to the Mayor and approved, but the candidate declines to accept an appointment at that time, then that candidate's name shall be stricken from the eligibility list.
 - xi. All promotions to civil service positions are subject to a six-month probationary period.
 - xii. All successful candidates for promotion to a civil service position shall be subject to the drug testing policies of the City of Lancaster and Lancaster Bureau of Fire. If drug testing reveals that a candidate is violating the drug policies of the City of Lancaster and/or Lancaster Bureau of Fire, that individual shall not be eligible for promotion, but may become eligible for future promotions only if the candidate successfully completes the requirements of the City of Lancaster and Lancaster City Fire Bureau drug testing policies.
- I. Reinstatement. The following provisions shall govern reinstatement of Members of the Fire Bureau:
- 1. An individual who was formerly a fire fighter or officer with the Lancaster City Bureau of Fire and resigned from the Lancaster City Bureau of Fire may seek reinstatement if the individual completes an application on the applicable Fire Bureau civil service application form and if a vacancy exists. Also, no individual shall be eligible for reinstatement if the time period between the date of resignation from the Fire Bureau and the date of application for reinstatement is more than three years.
 - 2. An individual with less than three years of continuous service with the Lancaster City Bureau of Fire or who has not achieved the Fire Fighter III grade may not seek reinstatement, but shall be treated as a new applicant.
 - 3. An individual who is receiving a pension from the City of Lancaster Bureau of Fire shall not be permitted to be reinstated to a position with the Lancaster City Bureau of Fire.
 - 4. The decision to reinstate an individual shall be made at the discretion of the Civil Service Board based on the factors set forth below:
 - i. The Mayor and the Fire Bureau Chief do not oppose the individual's reinstatement.
 - ii. The individual is physically able to perform the duties of a Lancaster city fire fighter as established by the current physical abilities tests.
 - iii. The individual must pass a physical examination meeting the requirements for new applicants and any psychological and substance abuse examinations.
 - iv. There were no charges of misconduct or other malfeasance while the individual was employed by the Lancaster City Bureau of Fire.
 - 5. The individual shall also provide to the Civil Service Board the individual's reason for resignation, reason for requesting reinstatement and the activities of the individual after the individual's resignation, and other relevant activities of the individual after the individual's resignation and prior to reinstatement for the Board's statement.
 - 6. In order to be reinstated, the individual must meet all current eligibility requirements in effect for new applicants for positions with the Lancaster City Bureau of Fire.
 - 7. A reinstated individual shall be rehired with no seniority. Seniority will be established as of the date of rehire. Notwithstanding other language in this rule, a reinstated individual shall have seniority above any probationary fire fighters who may be employed by the City at the time reinstatement occurs.

Section 7. Civil Service

A. Examinations Required of Appointees to the Police or Fire Bureaus. No individual may be appointed to any uniformed position in the Police or Fire Bureaus, excluding chiefs, unless:

- i. The individual passes all examinations required herein
- ii. The individual is appointed in the manner and according to the terms, provisions and conditions set forth herein.

B. Rules and Regulations. The Civil Service Board shall have the power and duty to prepare rules and regulations, subject to approval by Council, which, in Board's discretion, secure and maintain the best service for the public for the selection, appointment and promotion of individuals who are qualified to perform the work which is the subject of Civil Service examinations for the appointment and promotion of uniformed officers in the Bureau of Police and the Bureau of Fire. The rules and regulations adopted by the Board provide for ascertaining and determining, as best as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education, and character of all applicants as these criteria will reasonably apply to the respective positions. The rules and regulations shall also provide for examinations upon any and all subjects deemed proper and necessary by the board for the purpose of determining the qualifications of applicants for the respective positions sought and for which application is made.

C. Examinations. Written and oral examinations. The Civil Service Board may utilize either or both of written or oral examinations, provided that the same shall offer the opportunity to achieve the total of 100 points. If both written and oral examinations are used in conjunction with each other, the Board, prior to initiating testing, shall, establish what constitutes a passing score on each portion of each examination. If only a written examination method is used, that Board shall establish the passing score before the written examination is conducted.

Examinations may also include examinations related to physical fitness and agility, any of which such examination shall be conducted on a pass/fail basis.

D. Physical and psychological medical examinations. The Civil Service Board may require that an applicant conditionally appointed in accordance with the terms hereof undergo a physical or psychological examination as a term of permanent appointment. Physical medical examination, if required, shall be under the direction of a physician or other required medical professional, and psychological medical examinations, if required, shall be under the direction of a psychiatrist or psychologist. Such physicians, other qualified medical professionals, psychiatrists or psychologist shall be appointed by Council for the purpose of rendering opinions as to whether the conditional appointees have a physical or mental condition which calls into question their ability to perform all of the essential functions of the position for which they were conditionally appointed.

E. Performance Concerns and Determinations. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question conditional appointee's ability to perform all essential functions of a position, the chief of the bureau from within which the position is to be filled shall meet with the conditional appointee for the purpose of having one or more interactional discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all of the essential functions of the position. If, at the conclusion of the interactive discussion, the chief determines the conditional appointee is not qualified, the chief shall give written notice to the conditional appointee and the Civil Service Board of the same.

F. Veteran's Preference. In accordance with applicable Pennsylvania law related to veteran's preference, a veteran who meets the qualifications for and conditions of the position for appointment to a uniformed position within the Bureau of Police or the Bureau of Fire, which includes successful passing of

examination, shall receive an additional 10 points on their total score. Further, if after the additional 10 points are granted a veteran is on the list of three eligible applicants for appointment, the veteran shall receive a preference of hiring over non-veterans on that list. The preference provided for in this section shall constitute the only preference with regard to a uniformed civil service position within the Bureau of Police or the Bureau of Fire to which a veteran is entitled under the Administrative Code of the City of Lancaster.

G. Selection of Appointee from Certified List of Applicant. The following shall apply to Civil Service selection, conditional appointments, and shall be incorporated by reference in the rules and regulations of the Civil Service Board.

1. The Civil Service Board shall make and keep in numerical order a list containing the names of all applicants for civil service positions in the Bureau of Police and the Bureau of Fire who pass the required examinations, including any required physical fitness or agility examinations that are job related and constitute business necessity.
2. When more than one individual takes examinations from any position at the same time, the names of all those who have successfully passed the examination shall be entered on the eligibility list in the order of their respective point totals, with the highest points coming first.
3. The Board shall furnish to Council a certified copy of all lists that are kept. Lists are public records and shall be maintained for a period of two years or until a new list is certified to Council, whichever occurs first.
4. Whenever the Chief of the Bureau of Police or the chief of the Bureau of Fire determines that an initial appointment is to be made to a civil service position in their respective bureau, the chief for which the appointment is to be made, shall make written application to the chairperson of the Civil Service Board who shall certify to the chief and the Mayor in writing the three names on the eligibility list of applicants for the position having the highest number of points, unless there are less than three names on the eligibility list, in which event the Board shall certify the names. The Chief shall then nominate to the Mayor an individual from the eligibility list to fill the vacancy.
5. If the Mayor approves the nomination, the individual nominated shall be conditionally appointed and shall be assigned for service in the bureau subject to any required physical or psychological medical examinations that may be required by the Board as a condition of permanent appointment. If the Mayor does not approve the nomination, or if the appointee is determined by the medical examination process to be unqualified, the chief shall submit another nomination for the position from the remaining names, if any. If the second nomination is not approved by the Mayor, or if the appointee is determined by the medical examination process to be unqualified, the chief shall submit the third name if any.
6. The individual whose nomination by the Chief is approved by the Mayor shall be appointed to fill the relevant police or fire civil service position for consideration, and the Mayor shall notify Council of the appointment.
7. The name of the individual appointed shall be immediately stricken from the certified list of the Board and, except as otherwise provided herein, the names of the not appointed individuals shall be immediately restored to their place on the certified list. Names should be stricken from the certified list if the name of the applicant submitted to the Mayor has been rejected three times, the conditional applicant has not been appointed three times, or the conditional applicant has been determined by the medical examination process to not be qualified.

H. Promotion Procedures. The Chief of the Bureau of Police or the Bureau of Fire shall notify the Civil Service Board of a vacancy which is to be filled by promotion and shall request the certification of an

eligibility list as provided herein. For each vacancy, the Board shall certify the names of three individuals on the eligibility list who receive the highest average in the last City promotional examinations held within the period of two years preceding the date of the request of the eligibility list. If three names are not available, the Board shall certify the names remaining on the list. The Mayor shall make an appointment from the names certified based solely on the merits and fitness of the candidates unless the Mayor makes objections to the Board regarding one or more of the individuals on the eligibility list. Subject to the requirements for appropriation and funding, the Mayor shall have the power to determine whether an increase in salary shall constitute a promotion. The provisions of this section shall not apply to the Mayor's designation or appointment of the Chief of Police or Chief of Fire.

I. Standards and Temporary Appointments. All appointments made pursuant to the provisions hereof shall be for and during good behavior, and no employee hired pursuant to the provisions hereof may be removed or transferred for political reasons. In the case of riot or emergency, temporary appointments to positions subject to the civil service provisions hereof may be made without complying with the provisions set forth in this Article.

J. Discipline. All uniformed employees subject to civil service are subject to suspension, discharge and discipline by their respective Chief (Police or Fire) for misconduct or violation of any law, ordinance or policy of the City or regulation of their bureau. In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, they shall have option of challenging the same by proceeding with grievance arbitration in accord with the terms of the applicable bargaining agreement or by following the process set forth in Section 10 below. A choice to proceed either by grievance arbitration or the process set forth in Section 10 below shall foreclose the opportunity to proceed in the alternative method.

K. Discipline Review by City Council. Any uniformed employee of the Bureau of Police or Bureau of Fire who is subject to the provisions of this Article 17 and who is aggrieved by the suspension, discharge or discipline issued by the Chief of their Bureau more serious than a suspension of three days without pay may request a hearing before Council or proceed to grieve the same in accordance with their applicable CBA (the uniformed employee's election of the manner in which to pursue their grievance shall be binding and shall prohibit the use of the other applicable method). At the hearing, such employee may be represented by counsel.

L. Appeals. A civil service employee aggrieved by the decision of Civil Service Board or Council shall have the right to appeal to the Court of Common Pleas of Lancaster County, Pennsylvania in accordance with 2 Pa. C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). This review shall be exclusive. When no appeal is taken within the time prescribed by law, the decision of the Civil Service Board or Council shall become final in accordance with law.

M. Review of Eligibility Lists. The lists of eligible names kept by the Civil Service Board shall be examined no less frequently than annually for purposes of deleting individuals from the list who have become permanently unavailable for or disqualified for the position, who have otherwise requested to be removed from the list or who are to be removed pursuant to the Rules and Regulations of the Civil Service Board.

ARTICLE 6. CITY COUNCIL

Section 1. Rules and Order of Business.

- A. Council shall, by resolution, determine and set its own rules and order of business. That resolution may provide for the waiver of any rule or order of business on vote of a majority plus one of the members participating in the particular meeting for which a waiver of rule or order of business is requested. Any such rules, orders of business or waivers thereof, must be in compliance with applicable law and the provisions of the Charter, including but not limited to section 2.14(a) which requires that the rules be designed to assure full and equal participation in deliberations by members of City Council.
- B. The Rules and Order of Business shall specify the procedures to be followed for participation in a meeting by telecommunication devices consistent with and as authorized by the Charter.

Section 2. Meetings.

- A. Council shall hold organizational, general and special meetings as set forth in the Charter. The meeting place shall be arranged in such a way as to assure that insofar as it is practicable such that members of the public in attendance can see and hear all members of Council and other participants in the meeting as provided for by the Sunshine Act, 65 Pa. C.S. Section 710 et seq, as amended.
- B. Council shall provide for the keeping of minutes of its proceedings, which minutes shall be public records and maintained in the office of the City Clerk. In addition to recording such minutes amongst the records of the City, the City Clerk shall provide each member with a copy of the minutes of each meeting not less than two days prior to the next regular meeting. The minutes shall also be maintained on the City's publicly accessible website.
- C. Notice of City Council meetings shall be published as required by applicable law. Agendas and links to any viewing sources for meetings shall be posted on the City's publicly accessible website.
- D. President. The President of the Council shall be selected at the Organizational meeting of the Council. The President of the Council may be removed by the Council upon the affirmative vote of an absolute majority of the Council. The President may select, from time to time, a member of the Council to preside as acting president at meetings of the Council in the President's absence.
- E. Time of meetings. The Council shall meet regularly on the second and fourth Tuesday of each month at 6:30 p.m. or such other time between 6:00 p.m. and 9:00 p.m., as Council may elect by majority vote and only after applicable notice and advertising in accordance with Pennsylvania law, in the Nelson M. Polite Sr. Council Chambers of the Municipal Building of the City (or other meeting place designated by Council), unless such day is a holiday, in which case the meeting shall be the following day. Special meetings of the Council may be called as set forth in the Charter. At least 24 hours' written notice of the special meeting, setting forth the time, place and purpose, shall be given to each member personally or by leaving a copy thereof at their place of residence or by providing the same to said Council member by email. Special meetings may be held at such place and at such time, open to the public, as set forth in the notice.
- F. Agenda of meeting. The agenda of each regular meeting shall be as follows:

(1) Call to order.

(2) Pledge of allegiance.

(3) Calling roll of members.

(4) Approval of minutes.

(5) Proclamations, honors, awards and resolutions of recognition.

(6) Public comment.

(7) Reports requested by Council.

(8) For the first meeting of the month, reports of committees of Council, and for the second meeting of the month, interim reports of committees of Council.

(9) Legislative agenda.

(10) Public comment.

(11) Report of the Mayor.

(12) Report of President of Council.

(13) Council comments.

(14) Adjournment.

- G. Conduct of meetings. All meetings of the Council shall be open to the public except where the nature of the subject being discussed requires otherwise and where deliberations on the same are authorized to be held in a non-public forum by applicable law, in which case, upon the concurrence of all members present less one, the Council may sit as a committee of the whole. When sitting as a committee of the whole for such purposes, no vote may be taken, other than to move the matter to Council for a vote at a regular or special meeting.

The President of the Council, or the President's designee, shall preside at all meetings and shall preserve order and announce the decision of the Council on all subjects. The rules of parliamentary practice comprised in Robert's Rules of Order shall govern in all cases in which they are applicable and not inconsistent with the standing rules of the Council. Departure from Robert's Rules of Order is authorized from time to time at the discretion of Council.

Any member of Council desiring to speak shall address the President and, upon being recognized, shall confine themselves to the subject.

All motions shall be presented to the President, and no motion shall be considered in debate until comment or debate is requested by the President or by the City Clerk at the direction of the President. Each ordinance or resolution shall be introduced in written or typewritten form.

No member or the Mayor shall speak more than twice upon the same motion in the same meeting, nor for more than 10 minutes at one time, without leave granted by the President.

Before putting any question to vote, the President shall permit any member of public attending the meeting to make such statements as they desire, confining themselves to the subject under consideration. The President may limit the time of each statement.

When the Council is ready for the question, the President shall put the question to the Council. The names of the members of the Council shall be called in alphabetical order, except the President who shall be called last, and the yeas and nays shall be recorded in full on the minutes.

No motion for reconsideration shall be entertained unless made by a member voting with the prevailing side in the first instance. Upon the motion for reconsideration prevailing, any member may interrogate any member who did not speak as to the reason of their ye or nay.

Section 3. Committees.

- A. City Council may create committees for the purposes of making recommendations to Council on any subject matter before Council. Committees shall consist of three Council Members and shall have a designated chairperson. The manner of appointment shall be specified in the motion to create the committee. In the absence of specification regarding the manner of appointment, all members and chairpersons of committees shall be appointed by the Council President. The committee may be discharged in the same manner as appointed. The President shall be an ex-officio member of all committees.
- B. Committees shall meet at such times and places as determined by Council and set forth in Council's Rules and Order of Business. When possible, standing committees shall meet at regularly scheduled times between 5:00 p.m. and 9:00 p.m., and all committee meetings shall only be conducted after applicable notice and advertising in accordance with Pennsylvania law. Except as otherwise authorized by applicable law, all such meetings shall be open to the public.
- C. Committees shall provide for the keeping of minutes of their proceedings which shall be public records and maintained in the office of the City Clerk. The minutes shall also be maintained on the City's publicly accessible website.
- D. Notice of committee meetings shall be published as required by applicable law. Agendas and links to any live viewing sources for committee meetings shall be posted on the City's publicly accessible website.
- E. In addition to Committee assignments, Council members may be appointed to serve on any board, commission or authority pursuant to the provisions hereof. Upon termination of office by any Council member for whatever reason, their appointment to an authority, board or commission shall also be deemed terminated, unless such termination is otherwise prohibited by applicable law.

Section 4. Previous Councils.

Council shall be a continuous body and it shall be lawful for Council to complete unfinished business or legislation begun by the preceding council.

Section 5. Filling Vacancies in Office.

Council shall fill vacancies when they occur in all elected offices. Council shall, in each such case, by Resolution, establish the process it will follow in filling the vacancy at issue within the time frames and in the manner set forth in the Charter.

Section 6. Training.

Every elected City official, upon certification of their election to their initial full term of office, shall be required to satisfactorily complete a basic orientation on Home Rule Law, the Charter, the Administrative Code, the Sunshine Act, Right to Know Law, Employment and Harassment Policies, and the Ethics Code. The Office of Solicitor is tasked to establish a training schedule and see that the training is administered with assistance from the Pennsylvania Department of Community and Economic Development, the Pennsylvania Bar Association, the City of Lancaster Ethics Commission, and any other resources the Solicitor deems appropriate. City Council shall provide sufficient funds to ensure a thorough and professional orientation. Any elected official who, in the determination of the Solicitor, completes this course within four months of the certification of their election to their initial full term will receive a completion stipend in an amount determined from time to time by Council.

Section 7. Oath of Council Members.

Prior to taking their seat on Council, all members of Council shall take and subscribe the oath of office provided for in Section 2.05 of the Charter.

Section 8. Power to Maintain Order.

In order to maintain order and decorum during Council meetings, the Council President may on their own or on motion of other Council members order any disorderly person, not a member of Council, who is in violation of the Council's rules after refusal to comply with direction from the President to be removed from the meeting place (chambers) and the building if necessary by City police officers. Upon a member of Council being disorderly, Council President may recess or suspend the meeting.

Section 9. Unexcused Absences.

If any member of Council is absent from any regular or special meeting of City Council or committee of Council to which such member has been assigned, they shall, unless excused by the President on account of illness or other unavoidable cause, not be compensated for services at rates or in amounts established from time to time by resolution of City Council. The City Clerk shall certify to the Director of Administrative Services and Controller on the last day of each pay period the number of unexcused absences and the amount of non-payment for services to be deducted from the biweekly payment of the compensation of each member of Council.

Section 10. Conduct and Staff Communications.

A. Conduct of Council Members.

Council members shall conduct themselves according to the following rules of conduct as they pertain to work for and on behalf of the City:

1. Council members shall maintain decorum at all public meetings or activities and conduct themselves so as not to bring disgrace or embarrassment upon the City. They shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, City staff or members of the public. Clear, honest communication that respects the abilities, experience and dignity of each individual is expected.
2. Council members shall prepare themselves for public issues and listen courteously and attentively to all public discussions before Council. Council members should avoid engaging public commentators in debate or discourse during any public comment period of public meetings.

3. Council members shall follow all rules of procedure adopted by Council and refrain from interrupting other members while speaking, making comments not germane to the business of Council, attempting to monopolize the discussion or otherwise interfering with the orderly conduct of meetings. To that end, Council members should honor efforts by the President of Council to focus discussion on current agenda items. If there is disagreement about the agenda or Council President's actions, those objections should be voiced politely and with reason. Agenda item discussion must comply with applicable law regarding prior public notice of agenda items.
4. Council members shall at all times, including at Council meetings, City events, when at private functions and on social media, represent the official policies or position of Council to the best of their ability when designated as a delegate for that purpose. Further, when issuing opinions or statements regarding official policy or a position of the City, Council members shall always represent that the opinions stated are the member's own and do not necessarily represent those of the Council or City unless the Council has voted and passed an ordinance, resolution or motion that so states the expressed policy.
5. If a Council member writes or corresponds to or with a citizen, the member may use City stationery or City identification. However, the form and language must clearly state that opinions stated are those of the writer unless Council has taken some official action.
6. A Council member shall not make false statements on which the Council, City staff or other agencies rely to establish policy or make important decisions. A Council member violates this rule if they know a statement is untrue, or if they have knowledge that would lead a reasonable person of ordinary prudence to conclude that the statement is untrue.
7. A Council member shall not divulge the discussions held in executive session until or unless: (i) the discussions have become public by some other means of which the Council member is not a voluntary participant; (ii) the Council itself has made the discussion public; or (iii) the reason for non-disclosure has passed.
8. Dealing with City Staff. Council members shall observe the following when dealing with City staff and matters under the direction of such staff and the Mayor: (i) they shall not attempt to interfere with decisions made involving administration of City laws as they pertain to particular citizens; (ii) they shall not attempt to steer, direct, or influence the award of contracts or grants by the City; (iii) they shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research; (iv) they shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties; (v) they shall not retaliate against City employees as a result of disagreements over policy recommendations; (vi) they shall not threaten City employees with disciplinary action; and (vii) they shall not interfere with the implementation by City staff of approved projects and programs.

ARTICLE 7. ORDINANCES AND RESOLUTIONS

Section 1. Ordinances.

A. Purposes. All legislative acts of Council shall be accomplished and memorialized by ordinance signed by the Mayor and attested by the City Clerk.

B. Drafting Requirements.

1. Proposed ordinances shall be presented to Council in written form and shall be numbered sequentially for the calendar year. Upon adoption, ordinances shall be numbered sequentially.
2. All ordinances, except for general appropriation ordinances, shall contain only one subject, which shall be set forth in the title thereof.
3. Every ordinance shall contain a title which may also serve as a brief summary of the purpose and/or contents of the ordinance.
4. With the introduction of an ordinance to Council, the staff member or City Council member introducing the ordinance should submit a memorandum answering and/or addressing the following questions or topics:
 - a. What issue or problem is the ordinance intending to address and how was it brought to the attention of the City or Council?
 - b. Are there any areas in the City, if any, where the issue or problem is more predominant?
 - c. What are the impacts of that issue or problem?
 - d. Does any data exist relating to the issue or problem and what is the source of such data?
 - e. What are the intended benefits/outcomes of the proposed legislation?
 - f. Are there any existing ordinances which address the issue or problem, and, if so, why are they insufficient or inefficient?
 - g. Can we confirm that compliance with the proposed ordinance will not cause undue burden on any sector of the community?
 - h. How and by whom will the ordinance be enforced?
 - i. How frequently should data from enforcement be reviewed by Council, staff or both and is there any reporting required of staff or Council?
 - j. How does State and/or Federal law impact the proposed legislation?

B. Reading, Advertising and Enactment Requirements.

1. The title of every proposed ordinance shall be read at least twice, once when introduced and again before final enactment by Council in accordance with Chapter 7 of the Charter. Amendments or other proposed changes to the ordinance shall be read in their entirety.
2. A complete copy of every ordinance introduced shall be available for public inspection at the City Clerk's office during regular business hours and on the City's publicly accessible website.
3. Except as otherwise provided by applicable law, public notice of a proposed ordinance, drafted in accordance with Chapter 7 of the Charter and applicable law, shall be given by posting the notice and a link to the ordinance itself on the City's publicly accessible website or in the alternative in one newspaper of general circulation no fewer than seven nor more than sixty days prior to

enactment. If public notice is posted on the City's website, it must appear on the opening page of the site under a heading for pending legislation and remain there through the noted date of Council consideration. The City Clerk shall maintain records, including electronic records, of all such public notice.

4. All ordinances enacted in a given calendar year shall be codified and incorporated into the City's Codified Code of Ordinances within three (3) months of year end and made available on the City publicly accessible website.

Section 2. Resolutions.

The title and full body of every proposed resolution shall be read when introduced and, if at a meeting other than when introduced, again before final enactment by Council. A resolution may be adopted at the meeting at which it is introduced.

A complete copy of every resolution to be introduced shall be available for public inspection at the City Clerk's office during regular business hours and on the City's publicly accessible website at least twenty-four (24) hours prior to the start of the meeting of Council when it will be considered for adoption.

Section 3. Proof and Evidence.

An ordinance, resolution, motion or other proceeding of Council may be proved by certificate of the City Clerk under City seal. When an ordinance, resolution, motion or proceeding of Council is printed or published in book or pamphlet form by authority of the City, it shall be read and received as evidence in all courts and elsewhere without further proof unless otherwise required by applicable law.

Section 4. Enforcement of Ordinances.

Actions, prosecutions, complaints or proceedings for the violation of an ordinance of the City and for fines, penalties, costs, attorneys fees, injunctive relief and any other remedy allowed by law shall be instituted in the name of the City, shall be conducted in any manner prescribed by applicable law and shall seek remedies made available by City ordinance or other applicable law.

ARTICLE 8. PROCEDURES RELATED TO FORFEITURE OF OFFICE OF ELECTED OFFICIALS

Section 1. Forfeiture.

The Charter provides specific provisions regarding when an elected official forfeits their office and entitles such elected officials to notice and a hearing prior to Council taking action to effectuate the forfeiture provisions of the Charter. The Charter further provides that the procedures for providing notice, holding a hearing and taking action are to be set forth in the Administrative Code. Those provisions of the Charter are incorporated herein by reference.

Section 2. Notice.

Should Council or the Mayor determine that an elected official has committed an act that is required by the Charter to result in forfeiture of the elected official's office, the Mayor or Council shall provide written notice of the same by email to the elected office City email address and by regular first class mail. The notice shall be deemed to have been provided when sent by email and placed in the US mails with the date of service being the earlier of the two. The notice shall provide: (1) a description and explanation of the act

or occurrence which is the subject of forfeiture; (1) a listing of the specific provision(s) of the Charter under and pursuant to which the forfeiture is alleged to have occurred; (3) notice of the right to request a hearing before Council regarding the same; (4) the date by which the elected official must request in writing to have such a hearing (the elected official must be given no less than ten days to make such election); (5) a City email address and regular mail address where such election must be sent; (6) the date and location of the hearing if such election is made (such hearing must be no sooner than thirty days nor more than sixty days after the date of the notice of forfeiture); (6) notice that the elected official may have legal counsel and present witnesses on behalf of the elected official; and (7) notice of the date, time and location of the meeting at which Council will take action regarding the alleged forfeiture if no hearing is requested.

Section 3. Hearing.

City Council shall hold the hearing in accordance with the Pennsylvania Local Agency Law and other applicable law, no sooner than thirty (30) days nor more than sixty (60) days after the date of the notice of forfeiture referenced in Section 2 above. The hearing shall be conducted by the Solicitor or an assistant solicitor or special counsel designated by the Solicitor for such purpose. Notice of the hearing shall be published in the manner provided for notice and publication of ordinances at least once a week for two consecutive weeks prior to the hearing. The Solicitor or their designee shall have the power to administer oaths and affirmations and issue subpoenas to compel the attendance of witnesses and production of documents and papers, including witnesses and documents requested by the parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. A stenographic record of the hearing shall be made and maintained.

Section 4. Action by Council and Solicitor.

City Council shall render a written decision within forty-five (45) days after the hearing is concluded. The decision shall include or be accompanied by findings of fact and conclusions of law. When the decision has been rendered that an elected office has been forfeited, the City Council shall publish notice of the decision within ten (10) days of the issuance of the written decision in the manner provided for notice and publication of ordinances. Further, the Solicitor shall then take any action required by law to effectuate and or confirm the action of Council, including, filing a quo warranto action in an appropriate court of law and/or taking appropriate steps to have the Senate of the Commonwealth of Pennsylvania consider the impeachment of the elected official.

Section 5. Appeals.

Any appeal of the decision of City Council shall be taken to the Court of Common Pleas of Lancaster County, Pennsylvania within thirty (30) days of the issuance of the written decision in the manner required by the Local Agency Law of the Commonwealth of Pennsylvania or other relevant law. An appeal to the Court of Common Pleas shall not stay the action appealed from or the proceedings initiated by Solicitor as set forth in Section 4 above, but the appellant may petition the Court for a stay. Appeals of any action by a court of law or the Senate of the Commonwealth of Pennsylvania shall be in accordance with and governed by the laws of the Commonwealth.

ARTICLE 9. BOARDS, COMMISSIONS AND AUTHORITIES

Section 1. Notice, Appointment, Vacancies and Term.

- A. **Public Notice of Available Positions.** The City shall maintain on its publicly accessible website a listing of all boards, commissions and authorities requiring appointment of members by the Mayor with the consent of Council, and information regarding the qualifications and requirements for appointment. Additionally, the City shall create and maintain a public register of nominees to serve on all such boards, commissions, and authorities through which candidates may nominate themselves for consideration of appointment. From time to time, the City shall announce such board, commission and authority membership openings. The registry and any announcements and marketing of positions shall be designed to meet the goals set forth in the Charter.
- B. **Appointment.** Except as otherwise set forth in the Charter and notwithstanding any applicable law, all appointments to boards, commissions and authorities of the City shall be made by the Mayor with the consent of Council.
- C. **Vacancies.** Vacancies for all boards, commissions and authorities shall be filled in the manner set forth for appointment as noted in section B above.
- D. **Term.** The term of membership for appointees to all boards, commissions and authorities shall be determined in accordance with the ordinances of the City of Lancaster, applicable law, and shall be clearly set forth in the action of the Mayor, with the approval of City Council, making such appointments.
- E. **Removal.** Notwithstanding the requirements of any applicable law, the Mayor shall have the power to remove any board, commission or authorities member for repeated failure to attend required meetings, violation of the Ethics Code, or impropriety in office. Such removal may only be made with the consent of City Council and only after ten (10) days written notice of the same has been provided to the member.
- F. **Rules of Procedure.** Boards, commission and authorities are authorized, in accordance with applicable law and the ordinances creating them, to establish their own rules of procedure. All such rules of procedures shall be in accordance with applicable law including the Sunshine Act, shall require minute taking and minute recording in accordance with City policy, and applicable law, opportunity for public comment in accordance with the Sunshine Act, maintenance of records in accordance with the Pennsylvania Right To Know Law, and the advertising and other advance notice of meetings required by the Sunshine Act, City ordinances and other applicable law.. Boards, commissions and authorities shall not, however, schedule meetings at City facilities without City approval, and may not live stream or otherwise record meetings without the Mayor's consent.

Section 2. Training.

Within one hundred (100) days of appointment or reappointment to a board, commission or authority of the City of Lancaster (or such other longer time set by the Solicitor but in no event later than 180 days), all such individuals, as a condition of their appointment or reappointment, are required to attend an information and training session covering the topics set forth above with the City Solicitor to be scheduled through the City Clerk's Office.

Section 3. Meetings.

All meetings of boards, commissions and authorities shall be conducted in accordance with the Pennsylvania Sunshine Act and any other applicable law.

Section 4. Authorized Boards, Commissions and Authorities.

Airport Authority
Board of Health
Board of Housing Appeals and Revisions
Board of Plumber Examiners
Board of Trusts and Charities
Building Codes Board of Appeals
City of Lancaster Land Bank Authority
Civil Service Board
City Revitalization and Improvement Zone Authority (CRIZ)
Downtown Investment District Authority
Ethics Commission
Fire Code Appeals Board
Government Study Transition Commission
Historical Architecture Review Board (HARB)
Historical Commission
Lancaster City Human Relations Commission
Lancaster City Property Reinvestment Board
Lancaster County Convention Center Authority
Lancaster Higher Education Authority
Lancaster Housing Authority
Lancaster Industrial Development Authority
Lancaster Municipal Authority
Lancaster Parking Authority
Lancaster Recreation Commission
Long's Park Commission
Land Bank Authority
Noise Control Board
Planning Commission
Property Reinvestment Board
Board of Plumbing Examiners
Public Art Advisory Board
Redevelopment Authority of the City of Lancaster
Sewer Appeals Board
Shade Tree Commission
Sign Commission
Stormwater Appeals Board
Suburban Lancaster Sewer Authority
Traffic Commission
Zoning Hearing Board

Section 5. Conduct of Board, Commission and Committee Members.

Members of Council appointed boards, commissions and authorities (“Members”) shall conduct themselves according to the following rules of conduct as they pertain to their official duties and any work for, and on behalf of, the City of Lancaster:

- A. Decorum. Members shall maintain decorum and set an example for conduct when representing the City and shall conduct themselves so as not to bring disgrace or embarrassment upon the City. They shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, members of Council, members of other boards, authorities and commissions, City staff or members of the public. Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. Members shall prepare themselves for public issues and listen courteously and attentively to all public discussions before their board, commission or authority.
- B. Opinions. Members shall always represent that opinions stated are the Member’s own and do not represent those of the board, commission or authority of which they are a member unless the body has voted and approved a motion, resolution or other actions supporting such statements.
- C. Correspondence. Members, in conjunction with their assigned City staff, may write letters on City stationary or email platforms and direct other communications to residents and others about matters related to the Member’s board, commission or authority, provided, however, that the form and language clearly state that opinions are those of the Member unless the board, commission or authority has taken some official action. No such correspondence shall promise or imply that the City or any of its departments, bureaus or subsidiary organizations will make any particular decision or undertake any particular activity. Members shall sign or affix their name on such communication as chairperson, vice-chairperson or board/commission/authority member, as applicable.
- D. Executive Sessions. Members shall not divulge discussions held in executive session under and pursuant to the Sunshine Act until or unless: (i) the board, commission or authority, or City Council, has made the discussion public; or (ii) the reason for secrecy has passed.
- E. False Statements. Members shall not intentionally make false statements on which their board, commission or authority, Council, City employees or other agencies rely in conducting the business of the City. A Member violates this rule if they know the statement is untrue, or if they have knowledge that would lead a reasonable person of ordinary prudence to conclude that the statement is untrue.
- F. Respect for Process. Members shall perform their duties in accordance with processes and rules of procedure established for their board, commission or authority by Council or by the board, commission or authority itself governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions by Council or City staff.

Section 6. City Administration.

Where applicable, City staff designated by the Mayor shall work with designated boards, commissions and authorities to provide appropriate guidance and access to City resources to assure compliance with City policy and applicable law.

ARTICLE 10. ETHICS CODE AND OTHER SIMILAR OBLIGATIONS

Section 1. Applicable Law.

All elected officials of the City (Mayor, Council Members and Controller), employees of the City and other public officials (as defined in the Pennsylvania Public Official and Employee Ethics Act) shall comply with

the Ethics Act and all other applicable laws governing their conduct as public officials or employees. To the extent that the provisions of this chapter are less restrictive, the terms of the Ethics Act shall control and to the extent that the terms of this Chapter are more restrictive the terms of this Chapter shall apply.

Section 2. Special Privileges.

No City employee, elected official or board, commission or authority member shall use their position to secure any special privileges or exemptions for themselves, their spouse, child, parents, other persons or employers. As set forth in the Charge, members shall not use their position for personal gain, especially financial gain, except as otherwise set forth in the Code of Ethics. For purposes of this section, special privileges or exemptions relate to privileges, exemptions or interests which are peculiar to an individual, as distinct from the rights and interests of the public generally, or identifiable classes of the public.

Section 3. Incompatible Employment or Activity.

No City employee, public official, or board, commission or authority member shall engage in or accept private employment or render services for private individuals or entities or engage in any business or professional activity when the employment, service or activity is incompatible with the proper discharge of their official duties, or when it would require or induce them to disclose confidential information acquired by them by reason of their position with the City.

Section 4. Confidential Information. No City employee, public official or board, commission or authority member shall, except as required in the performance of their duties, in the course of any conduct reasonably believed to be in the performance of their duties or in accordance with Court order or applicable law, disclose confidential information gained by reason of their official position, nor shall they otherwise use the confidential information for their own personal interest. Confidential information includes: (i) personnel information, applications and files maintained for City employees, appointees or elected officials; (ii) specific intelligence information and specific investigative files compiled by the Bureau of Police or other investigative law enforcement agencies and those agencies vested with the responsibility to discipline members of any profession; (iii) information revealing the identity of persons who file complaints with investigative law enforcement or penology agencies, except as the complainant may authorize; (iv) test questions, scoring keys and other examination data used to administer employment or civil service examinations; (v) any information protected by attorney client privilege, attorney work product, or other applicable legal privilege; and (vi) any other information declared confidential by operation of ordinance, law or regulation.

Section 5. Financial and Personal Interests. Ethics Code.

Ethics Codes, when drafted in final, will need to include discussion or consideration of the following:

- a. Accept cash from residents, vendors or business associates of the City as a gift, tip or gratuity for services rendered.*
- b. Divulge, sell to any outside party or use any proprietary information of the City for any reason not associated with the business of the City.*
- c. Solicit (directly or indirectly) any payment, gift, loan, contribution, services or thing of value based on any agreement or understanding with a person or entity, including any administrative board or commission established by the City, that a vote or official action will be influenced.*
- d. Use their position to obtain financial gain for themselves or for their immediate family members or a business with which they are associated.*

- e. *Receive any compensation for official services to the City from any source other than the City, other than de minimus food products and non-alcoholic beverages offered by a non-City employee when providing services on behalf of the City.*
- f. *Disclose any confidential information in violation of this Administrative Code, the City Ethics Code or City policy.*

ARTICLE 16. EMPLOYMENT AND HUMAN RESOURCES ADMINISTRATION

Section 1. General Administrative Provisions.

- A. The Mayor is the chief executive officer of the City and is responsible for administering and directing all City employees and operations, including the human resources administrative operations and activities of the City, and is responsible for assuring that rules, regulations, policies and procedures are promulgated and maintained to assure the City complies with the terms of this Article and complies with applicable federal, state and local law. The Mayor may designate such responsibilities to departments, bureaus, teams and individual employees within the City.
- B. Nothing in this Administrative Code is designed or intended to supersede related provisions in any of the established Collective Bargaining Agreements ("CBA/s") for members of the Police Bureau, Fire Bureau and certain non-uniformed employees with the Lancaster City Police Officer's Association, The Lancaster Professional firefighters Association Local 319, or the American Federation of State, County and Municipal Employees, AFL-CIO, Local 1896, or any applicable civil service requirements and obligations. If conflict is found to exist between this Administrative Code and the CBA's and/or applicable civil service laws, the respective CBA's and civil service laws shall control and govern.

The purposes of the CBA's are, among others, to assure sound and mutually beneficial working conditions so as to promote the orderly and harmonious relationship between the parties by establishing wages, hours, conditions of employment and other benefits and duties for the members of the bargaining units that ensure efficient and uninterrupted service to the residents of the City and to any other persons or areas included in the CBA's and to establish equitable and peaceful procedures for the resolution of differences related to the terms and conditions of employment of the bargaining units' members. Specific terms and conditions of employment are set forth in the CBA's.

Section 2. Employment Guidelines.

- A. Employment at Will. Notwithstanding any collective bargaining provisions or applicable law to the contrary, employment with the City is "at will" meaning any individual may leave employment voluntarily or may be terminated by the City at any time with or without cause. While employment is generally at will, all separations of or from employment with the City must comply any applicable CBA provisions and all applicable federal, state and local laws including, but not limited to: (i) the Fair Labor Standards Act; (ii) the Americans with Disabilities Act; (iii) the Age Discrimination in Employment Act; (iv) the Civil Rights Act of 1991; (v) the Family and Medical Leave Act of 1993; (vi) the Fifth and Fourteenth Amendments to the United States Constitution; (vii) the Equal Employment Opportunity Act; (viii) the Uniformed Services Employment and Reemployment Rights Act; (ix) Title VII of the 1964 Civil Rights Act; (x) Commonwealth of Pennsylvania anti-discrimination laws; (xi) city of Lancaster, Pennsylvania anti-discrimination laws; (xii) the Consumer Credit Protection Act;

(xiii) the Employee Retirement Income Security Act; (xiv) the Occupational Safety and Health Act; and (xv) the Health Insurance Portability and Accountability Act of 1996.

All management and supervisory personnel of the City are prohibited from entering into any agreement, oral or written, that changes the at-will relationship of an employee and may not make any representations to employees or applicants concerning their terms of employment that are inconsistent herewith or with any policy adopted by the Bureau of Human Relations. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind (except as otherwise set forth in applicable CBA's), alter the at-will nature of employment or imply that discharge will occur only for cause.

The at-will nature of employment with the City may not be modified by any statements set forth in this Administrative Code or any employee materials such as applications, memoranda or other documents provided to employees in connection with their employment. None of these documents, whether single or combined, may or do create an expressed or implied contract of employment for a definite period, or an express or implied contract concerning any terms or conditions of employment. Moreover, City policies and practices with respect to any matter should not be considered as creating any contractual obligation on the City's part or as stating in any way that termination will occur only for cause. Any statements of specific grounds for termination set forth in this Administrative Code or in any other City documents are examples only, not all-inclusive lists, and are not intended to restrict the City's right to terminate at will.

Completion of a probationary period or conferral of regular employment status does not change an employee's status as an at-will employee or in any way restrict the City's right to terminate the employee or change the terms or conditions of employment.

- B. Equal Employment Opportunity. The City shall: (i) strive to ensure equal opportunity regarding recruitment, hiring, training, compensation, overtime, job classifications and assignments, working conditions, promotions, demotions, lateral job changes, transfers, and all other aspects of employment to all individuals regardless of protected status which is defined as including gender, age, race, color, national origin, religion, physical or mental disability, veteran status, pregnancy, marital status, parental status, or any other legally protected status; (ii) in all such employment activities listed above comply with applicable laws, regulations and guidelines promulgated by federal and state statutes and local ordinances; (iii) include in all recruitment materials a statement that the City is an Equal Opportunity Employer; (iv) provide mechanisms, systems or processes through which City employees with questions or concerns about discrimination in the work place may bring those to the attention of the Mayor or the Mayor's designees; and (v) create policies and procedures that provide that employees found to be engaging in unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

C. Sexual Harassment and Workplace Violence

1. Sexual harassment affects all employees regardless of gender or classification. All forms of sexual harassment are prohibited whether between members of the same or opposite sex. Sexual harassment includes all form of harassment or conduct which constitutes the same under federal or state law or regulation and includes any unwelcome sexual advances, requests for sexual favors and other verbal or physical contact or conduct of a sexual nature when: (i) submission to such

conduct or contact is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct or contact by an individual is used as the basis of employment decisions affecting such individual; or (iii) such conduct or contact has the purpose of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Examples of inappropriate conduct include, but are not limited to: (i) contact such as touching, holding, grabbing, hugging, kissing, "accidental collisions, and other unwanted physical contact; (ii) offensive jokes, degrading language, and comments or suggestions of a sexual nature; and (iii) non-contact and non-verbal behavior such as leaning over someone at a desk, offensive gestures or motions and circulating sexually objective objects like cartoons, books, photographs or calendars.

2. The City is committed to maintaining a workplace environment for its employees that is healthy, safe and free from violence, threats of violence, harassment, intimidation and disrupting behavior that is violent or intimidating in nature. To that end, workplace violence is prohibited. Workplace violence is any actual or threatening behavior of a violent nature, as understood by a reasonable person, exhibited by employees or others bound to the provisions of this Charter and rules, regulations, policies and procedures promulgated thereunder. Examples of workplace violence include but are not limited to: (i) intentional physical contact for the purpose of causing harm such as slapping, punching, striking, shoving or otherwise physically attacking a person; (ii) menacing or threatening behavior such as throwing objects, waving fists, damaging property, stalking, using written or oral statements or behaviors with intent to frighten, coerce or cause distress, where such behavior would be interpreted by a reasonable person as being evidence of intent to cause physical harm to people or property to coerce behavior from people; (iii) firearms – except for sworn police officers, carrying weapons of any kind while at work and (iv) "bullying" which is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, including but not limited to: (a) verbal conduct such as slandering, ridiculing or maligning a person or their family, persistent name calling that is hurtful, insulting or humiliating, and using a person as the subject of jokes, abusive remarks or offensive remarks; (b) physical conduct such as pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, or damaging a person's work area or property; (c) gesturing conduct such as nonverbal threatening gestures or glances that convey threatening messages; and (d) exclusionary conduct such as socially or physically excluding or disregarding a person in work related activities.
- D. Retaliation. The City prohibits and does not tolerate retaliation of any kind, including any form of discipline, reprisal, intimidation, or other disparate treatment, against any employee by any other employee for participating in any activity protected by law or the Charter. Protected activity includes, but is not limited to: (i) submitting a good faith written or oral complaint to appropriate City staff objecting to specific unlawful discrimination, harassment or some other term of employment; (ii) filing a good faith complaint of unlawful discrimination or harassment with the United States Equal Employment Opportunity Commission, state or local antidiscrimination agencies, or in court; (iii) participating in a City internal investigation into allegations of unlawful discrimination, harassment or violation of City policy; (iv) supporting another employee's internal or administrative complaint of discrimination, including but not limited to submitting affidavits or testifying; (v) filing a good faith complaint with the United States Department of Labor, state or local labor departments or agencies, or

in court about wage and hour violations or unfair pay practices, or participating in a wage and hour investigation or audit conducted by the United States Department of Labor; (vi) requesting an accommodation under the Americans with Disabilities Act or state equivalent laws; and (vii) filing workers compensation claims. Notwithstanding the list above, which is not exclusive, no form or retaliation for any protected activity will be tolerated.

E. Work Accommodations. The City prohibits unlawful discrimination based on physical and mental disability in all aspects of employment, including but not limited to applicant processing, selection, hiring, transfers, job classifications, rates of pay, employment benefits, compensation, training, tenure, performance evaluation, promotion, discipline, demotion, reduction in force, and termination. The City's intent is to at all times comply with applicable law, including the Americans with Disabilities Act. As such, the City will reasonably accommodate persons with a disability on a case-by-case basis in accordance with applicable law.

F. Code of Conduct for City Employees.

1. Contract Prohibitions. No individual, consultant, firm, corporation or other entity contracting with the City for purposes of rendering personal or professional services to the City shall share with any City officer or employee, and no City officer or employee shall accept, any portion of the compensation or fees paid by the City for the contracted services provided to the City. Further, no employee may engage in any activity or action that constitutes a conflict of interest under the State Ethics Code or City Ethics Code.

2. Ethical Standards of Conduct. Public servants should treat their office or position as a public trust, only using the powers and resources of public office to advance public interests, and not to obtain personal benefits or pursue any other private interest incompatible with the public good. City employees hold their positions as a public trust and any effort to realize an improper personal gain or act on a personal motive through official conduct is a violation of that trust. Notwithstanding the foregoing, citizens who serve as City employees retain their rights as such citizens to interests of a personal or economic nature and that set forth herein or in any rules, regulation, policies or procedures must distinguish between minor and inconsequential conflicts and those which are substantial and material. Violations of these standards, City policy, City ordinances and the City Ethics Code may subject an employee to discipline in accordance with applicable CBA provisions, City policy and law.

3. Prohibited Activity and Behavior. In addition to any actions prohibited by applicable law or the City's Ethics Code, employees may not:

- g. Engage in any activity or action that could be deemed a conflict of interest as set forth in the Charter, the State Ethics Code or the City Ethics Code.
- h. Employees having an actual or proposed conflict of interest may not participate in any deliberations or decision-making processes of the City regarding the matter under consideration.
- i. Use any work time, equipment, supplies or services paid for by the City for personal reasons or to support or further any outside business in which they are engaged.
- j. Falsely represent personal opinions to be those of the City or any department, bureau or administrative body of the City.
- k. Use the power of their office or position to intimidate or threaten other City employees or members of the public.

- l. Act on behalf of the City by making any policy statements promising to authorize or to prevent any future action or agreement, or contract when they have not authority to do so.
 - m. Request or permit the use of City services or manpower or of City owned vehicles, equipment, buildings, materials, or property for non-official purposes or personal profit unless authorized by the Mayor or unless in accordance with City policy.
 - n. Participate in any fraudulent activity related to their employment or position with the City including but not limited to falsifying City records including their application for employment, permitting others to falsely use theirs or anyone else's badge or identification card, and falsifying any City document including but not limited to security clearance documents, accounting forms, time records, personnel records and employment applications.
 - o. Take any adverse employment action against any person who in good faith reports or participates in an investigation regarding an alleged violation of City policy or local, State or Federal law, nor shall they engage in retaliation for that reporting or participation.
 - p. Directly or indirectly use the authority or influence of their office or position for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with that person's duty to disclose or report an alleged violation of City policy or local, State or Federal law.
 - q. In the performance of their duties, discriminate against any person in violation of applicable law.
3. Social Media. Employees shall be required to comply with any social media policies adopted by the City, which policies may address both use of City social media platforms and employees' personal use of non-City platforms. With respect to use of non-City platforms, Employees shall not be required to obtain City approval for use thereof. Policies may be enacted recognizing that as employees they are representatives of the City, their office and their Department and that consideration must be given when participating on social media platforms to assuring that their statements, views and opinions are not deemed to be those of the City.
- G. Human Resources Policies. The Bureau of Human Resources or other individuals directed by the Mayor shall establish and maintain policies and procedures satisfactory to the Mayor regarding all aspects of the employment process in accordance with the Charter, this Administrative Code and applicable law, including, but not limited to, the areas identified in this chapter and the following: attendance (regular, prompt attendance is extremely important for the City's efficient operation and to assure that resident services are timely and effectively provided and as such policies may be promulgated consistent with applicable collective bargaining agreements and applicable law to address the protocols for employees who anticipate being late or unable to work when scheduled that provide for disciplinary action up to and including termination), smoking, recruitment and selection, onboarding, compensation and hours worked (including but not limited to wages, timekeeping, overtime, and payroll deductions), relationships at work, visitors in the workplace, performance evaluation, posting of jobs, interview processes, applicant tracking, onboarding, employment classifications, performance management, and offboarding procedures (such as exit interviews, return of City property, and resignation procedures).
- H. Complaint Procedures. The Human Resources Bureau and other individuals designated by the Mayor shall adopt and maintain procedures that allow City employees to register complaints regarding policy violations, that assure that such complaints are appropriately investigated, that require the results of the

investigation be shared with the complainant, that all collective bargaining agreement requirements or processes regarding the same are followed, and are compliant with applicable law.

- I. Workplace Safety. The City shall maintain policies and procedures designed to assure the safe and healthy performance of all work assignments.

ARTICLE 17. GENERAL PROVISIONS

Section 1. Electronic Signatures.

In any written communication, consent, execution, contract, resolution, ordinance, application, or publication by or with the City, in which a signature is required or used, the Mayor or the Mayor's designee, and/or the Solicitor shall authorize the use or acceptance of an electronic signature by any party. The Mayor and/or the Solicitor may promulgate policies and procedures for use and acceptance of electronic signatures by the City of Lancaster provided they ensure that the technology and vendor resources utilized in conjunction with electronic signatures provide commercially reasonable means of security, integrity and authentication of electronic signatures and data associated therewith. With respect to any City ordinances where a hand-written or ink signature is specified, the use of an electronic signature in accordance with the terms hereof and any policies and procedures promulgated hereunder shall have the same force and effect as the use of a manual signature using ink applied to paper. The provisions hereof shall not be construed to conflict with any applicable state or federal law requiring use of a specific form of signature.

Section 2. Fee Schedule.

Department Directors, the Chief of Police, the Fire Chief, the City Clerk and the Mayor are authorized to establish fees for the use of city-owned or operated facilities and vehicles, issuing building and other municipal permits, issuing health and other municipal licenses, for the provision of copying records, and for any other services provided by any department or bureau for the benefit of any individual or entity. All such fees shall be commensurate with the cost of rendering such service and must be approved by resolution of Council. The Director of Administrative Services shall create and maintain a fee schedule containing all fees and charges set forth in the Code of the City of Lancaster, or established in accordance with the provisions hereof, or charged in accordance with other applicable law. The fee schedule must be made accessible to the public and be posted on the City's publicly accessible website. In order to ensure that all fees and charges accurately reflect the costs of administration, the Director of Administrative Services shall periodically review or arrange for their review by designated employees or consultants.

Section 3. Municipal Liens and Enforcement of City Ordinances.

- A. The proper officials of the City of Lancaster are authorized to prepare, file, record, and collect municipal claims and municipal liens in accordance with the Municipal Claims and Tax Lien Law, Act of May 16, 1923, P.L. 207, as amended and supplemented, and all other applicable law.
- B. Definitions. For purposes of this chapter, the words set forth below shall have the meaning set forth thereafter.

HIGHWAY- The whole or any part of any public street, public road, public lane, public alley, or other public highway.

MUNICIPAL CLAIM- Unless specifically indicated otherwise, shall mean and include: 1) the claim arising out of or resulting from a tax assessed, service supplied, work done, or improvement authorized and undertaken by the City, although the amount thereof be not at the time definitely ascertained by the authority authorized to determine the same, and a lien therefor be not filed, but becomes fileable within the period and in the manner provided by the Municipal Claims Act; 2) a claim filed to recover for the grading, guttering, macadamizing or otherwise improving the cartways of any public highway; for grading, curbing, recurbing, paving, repaving, constructing or repairing the footways thereof; for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections therein; for assessments for benefits in the opening, widening or vacation thereof; or in the changing of watercourses or the construction of sewers through private lands; or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same; for the removal of nuisances; or for water rates, lighting rates, or sewer rates; and 3) a claim filed to recover for work, material, and services rendered or furnished in the construction, improvement, maintenance, and operation of a project or projects by the City. A municipal claim shall be together with and shall include all administrative fees, penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney's fees, as allowed by the Municipal Claim and Tax Lien Law and all other applicable laws.

OWNER - The person or persons in whose name the property is registered, if registered according to law, and, in all other cases, means any person or persons in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, if any, or the reputed owner or owners thereof in the neighborhood of such property.

PROPERTY - The real estate subject to the lien and against which the claim is filed as a lien.

TAX CLAIM - The claim filed to recover taxes.

TAXES - Any tax imposed by the City, together with and including all penalties, interest, costs, charges, expenses and fees, including reasonable attorney's fees, prescribed by this article.

C. Collection Procedures. The following collection procedures are hereby established:

1. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of a municipal claim, the City shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the owner liable for the municipal claim.
2. If within 30 days after mailing the notice in accordance with Subsection 1 above the certified mail to the owner is refused or unclaimed or the return receipt is not received, then at least 10 days prior to the assessing or imposing of such attorney fees, the City shall mail or cause to be mailed, by first class mail, a second notice to such owner.
3. All notices required by this article shall be mailed to the owner's last known post office address, as recorded in the records or other information of the City, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.
4. Each notice as described above shall include the following:
 - (a) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;

- (b) A statement of the City's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice;
- (c) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the municipal claim; and
- (d) The place of payment for municipal claims and the name and telephone number of the City official designated as responsible for collection matters.

D. Schedule of Fees.

1. The City hereby approves the following schedule of attorney fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

Legal Service	Fee
Initial review, preparing and sending first demand letter	\$150
Preparing and mailing second demand letter	\$75
Prepare and file lien	\$125
Prepare a writ of scire facias	\$250
Obtain reissued writ	\$125
Prepare and mail letter under Pennsylvania Rules of Civil Procedure under § 237.1	\$125
Prepare motion for alternate service	\$250
Prepare a motion for summary judgment and related judgment	\$300
Prepare writ of execution	\$125
Attendance at sale; review schedule of distribution and resolve distribution issues	\$375
Services not covered above	Hourly amount equal to Solicitor's regular charges to the City

Attorney's fees listed above do not include filing fees, court costs or any other costs.

2. There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable counsel bills, which shall be deemed to be part of the fees.

3. The amount of fees determined as set forth above shall be added to the City's claim and each account.

- E. Time for payment. All municipal claims due the City shall be paid by the owner within 30 days from the date of the City's invoice for such municipal claims, unless a longer period is provided by law.
- F. Penalties. Upon failure of the owner to pay a municipal claim due the City in accordance with the provisions of section E above (including the administrative fee), the City shall be entitled to collect a penalty equal to the lesser of 10% of the total municipal claim (inclusive of the administrative fee), or the maximum penalty permitted by applicable law.
- G. Interest. Upon failure of the property owner to pay a municipal claim due the City in accordance with the provisions of section E above (including the administrative fee), the City shall be entitled to collect interest at the rate of 10% upon the total amount due (inclusive of the administrative fee and penalties) or the maximum interest permitted by law, if less than 10% per annum.
- H. Remedies. Upon failure of the property owner to pay a municipal claim in accordance with the provisions of section E above (including the administrative fee, interest and penalties), the City shall be entitled to pursue any or all of the remedies identified in the Municipal Claims Law, including but not limited to the imposition of a municipal lien, pursuit of an action in assumpsit, issuance of a writ of scire facias, entry of judgment, execution thereon and collection of interest, penalties, charges, expenses, fees and attorney fees in accordance with existing provisions of law.
- I. The proper officials of the City are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this article and to enforce any of the ordinances of the City of Lancaster. Further, the City be and hereby is empowered to collect attorney's fees in accordance with the schedule set forth above in any such enforcement action.

Section 4. Publicly Accessible Website.

The City shall maintain in good and working order a publicly accessible website. Any notices required to be posted thereon shall be posted in a conspicuous and easy to find manner. Additionally, clear designation shall be given to find posted rules and regulations promulgated by the City in accordance with this Administrative Code.