

MUNICIPALITY OF MONROEVILLE  
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017

AN ORDINANCE OF THE COUNCIL OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, REQUESTING THE ALLEGHENY COUNTY BOARD OF ELECTIONS TO PLACE ON THE MAY 20, 1997, BALLOT AN AMENDMENT TO ARTICLE XXI, SECTIONS 2103 AND 2104 OF THE HOME RULE CHARTER OF THE MUNICIPALITY OF MONROEVILLE PROVIDING FOR THE DEFINITION OF VACANCIES AND THE FILLING OF VACANCIES

WHEREAS, Article XXI, Section 2111 of the Home Rule Charter of the Municipality of Monroeville provides for the amendment of the Home Rule Charter in accordance with Act 62 of 1972, the Home Rule Charter and Optional Plans Law, as amended: and

WHEREAS, the Municipality of Monroeville's Home Rule Charter adopted by the voters of Monroeville on May 21, 1974, and subsequently amended on November 4, 1980, and May 17, 1983, established and provided that the definitions of vacancies and the filling of vacancies, as set forth in Article XXI, Section 2103 and 2104; and

WHEREAS, the Council of the Municipality of Monroeville has proposed a revision to the Home Rule Charter which would redefine and broaden the definition of vacancies and the manner for filing vacancies; and

WHEREAS, the Council of the Municipality of Monroeville intends to reserve those parts of Sections 2103 and 2104 which do not appear in the proposed amendments and delete those parts of Section 2103 and 2104 in conflict with the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Monroeville, in Council assembled, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The Allegheny County Department of Elections is hereby requested in accordance with the Home Rule Charter of the Municipality of Monroeville, Article XXI, Section 2111 and the Home Rule Charter and Optional Plans Law (1972 P.L. 184, No. 62 of 1972) as amended, to place on the May 20, 1997, Primary Ballot for consideration by the voters of the

Municipality of Monroeville the following amendments to Section 2103 and 2104 of the Home Rule Charter of the Municipality of Monroeville.

SECTION 2. The proposed ballot question is as follows:

“Shall the language of Article XXI, Sections 2103 and 2104 of the Home Rule Charter of the Municipality of Monroeville be amended to read as follows:”

Section 2103. Vacancies.

The office of an elected official shall become vacant upon death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. An Elected Official shall forfeit office if the official:

- a. Is convicted of a felony or a crime involving moral turpitude or misbehavior in office, or
- b. Lacks at any time during the term of office any qualifications for this office prescribed by this Charter or by law, or
- c. Being a Member of Council or the Mayor, is absent from at least three (3) consecutive business meetings of the Council, unless excused by Council. In the case of failure of attendance, the Council shall declare such office vacant at least ten (10) days before the same shall be filled by appointment, or
- d. Violates any express prohibition of this Chapter, or
- e. Is found to have committed an act or acts which constitute malfeasance in office, misfeasance in office, or violation of the oath of office. For purpose of this section:
  1. “Malfeasance in Office” means an unlawful act committed willfully by any elective public officer;
  2. “Misfeasance in Office” means fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer;
  3. “Violation of the Oath of Office” means the neglect or failure by an elective public officer to perform a duty imposed by law.
- f. Except for alleged forfeitures of office under subsection 2103 (a), (b) and (c), the Ethics Board shall investigate charges pertaining to forfeiture of office, and for that purpose shall have the power to subpoena witnesses, administer oaths, and require the

production of evidence. The Ethics Board shall submit all resulting findings and recommendations to Council for consideration and action as set forth in this Section. A member charged with conduct constituting grounds for forfeiture of office on grounds other than that set out in sub section (a), (d), and (e) shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the Municipality at least one (1) week in advance of the hearing. A member charged with conduct constituting grounds for forfeiture of office shall not be permitted to participate in any Council investigation or vote.

g. The Council shall be the judge of forfeiture of its members pursuant to subsections 2103 (a) through (e). Decisions made by Council under this section shall be subject to review by the Court of Common Pleas of Allegheny County.

h. The Court of Common Pleas of Allegheny County shall have jurisdiction and be the judge of the grounds for forfeiture of office where a complaint in writing by at least one hundred (100) registered electors of the Municipality filed with the Court alleging forfeiture of office under subsections 2103 (d) or (e). The Court shall issue upon such officer or officers named an order to show cause why their office or offices should not be declared vacant and another appointed in their seat.

#### Section 2104. Filling of Vacancies

a. If a vacancy shall occur in any elective office in the Municipality for any reason set forth in this Charter, except for vacancies caused by forfeiture of office under sub-sections (a), (d), or (e) of Section 2103 of this Article, the remaining members of the Council shall fill such vacancy by appointing a person eligible under the Charter to hold such office, if the term thereof continues so long, until a successor is elected as follows:

1. Candidates shall be elected at a special election to be held at the next municipal or non-municipal primary election occurring more than sixty (60) days after the vacancy occurs.

2. The candidates selected pursuant to sub-paragraph (1) shall run in the next municipal or non-municipal general election and the candidate elected shall take office on the first Monday in January following the general election and shall serve the remainder of the unexpired term.

If the Council shall fail to fill such vacancy within 45 days after the vacancy occurs, then the Court of Common Pleas of Allegheny County shall, upon petition of the Council or of any five (5) electors of that Ward of the Municipality whose Council seat is vacant, fill the vacancy in such office by the appointment of an eligible resident of the Municipality for the unexpired term of office.

b. As for vacancies caused by forfeiture of office under sub-sections (a), (d), or (e) of Section 2103 of this Article, the Court of Common Pleas of Allegheny County shall, upon

petition of Council or of any five (5) electors of the Municipality fill the vacancy with an eligible resident of the Municipality for the unexpired term of office.

c. Notwithstanding sub-sections (a) and (b) above, whenever four (4) or more vacancies exist in Council, upon a petition of the remaining members of Council or of any five (5) electors of the Municipality, being filed with the Court of Common Pleas of Allegheny County in the following manner:

1. Candidates shall be elected at a special election to held at the next municipal or non-municipal primary election occurring more than sixty (60) days after the vacancy occurs.

2. The candidates selected pursuant to sub-paragraph (1) shall run in the next municipal or non-municipal general election and the candidate elected shall take office on the first Monday In January following the general election and shall serve the remainder of the unexpired term.

SECTION 3. The Municipal Manager is directed to prepare sufficient copies of this Ordinance describing the proposed amendment to the Home Rule Charter of the Municipality of Monroeville and to coordinate publication of the ballot question once a week for three (3) consecutive weeks during the thirty (30) day period prior to the May 20, 1997, election.

SECTION 4. Any cost for printing the ballot, advertisement, or incidentals to this ballot question as required by the County of Allegheny Board of Elections shall be paid by the Municipality of Monroeville.

SECTION 5. The Municipal Manager shall immediately transmit this Ordinance describing the proposed amendment to the Home Rule Charter of the Municipality of Monroeville to the Allegheny County Board of Elections, County Office Building, Pittsburgh, Pennsylvania, upon its enactment.

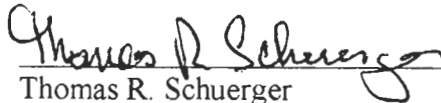
ENACTED this 14th day of January, 1997.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Mary Ann Nau  
Municipal Manager



Thomas R. Schuerger  
Mayor

ENTERED INTO LEGAL BOOK ON: January 24, 1997