

CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5228

Introduced in Council pursuant to
City of Johnstown's Home Rule Charter,
Article XII Initiative and Referendum Council
PETITIONERS COMMITTEE

Bill No. 14 of 2015

July 8, 2015

AN ORDINANCE DIRECTING THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, TO WITHIN NINETY (90) DAYS OF THE ADOPTION OF THIS ORDINANCE TO ADVERTISE FOR REQUEST FOR PROPOSALS, AND AUTHORIZE AND DIRECT THE EXECUTION OF AN AGREEMENT FOR THE FORENSIC ACCOUNTING (AUDITING) OF ALL CITY OF JOHNSTOWN ECONOMIC DEVELOPMENT LOAN PROGRAMS, INCLUDING BUT NOT LIMITED TO (1) THE FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (JOBS DEVELOPMENT REVOLVING LOAN PROGRAM; (2) THE FORMER FEDERAL URBAN DEVELOPMENT ACT GRANT (UDAG REVOLVING LOAN PROGRAM), (3) THE COMMONWEALTH OF PENNSYLVANIA ENTERPRISE ZONE PROGRAM LOAN FUNDING (A/K/A ENTERPRISE LOAN PROGRAM; A/KA KEYSTONE COMMUNITIE PROGRAM AND/OR AS NAMED/DESIGNATED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE CALENDAR YEARS BEGINNING ON JANUARY 1, 2002 THRU DECEMBER 31, 2002, AND EACH FOLLOWING YEAR THRU DECEMBER 31, 2014; AND FOR THE PERIOD BEGINNING ON JANUARY 1, 2015 THRU APRIL 7, 2015, WITH THE FOLLOWING STIPULATIONS AND REQUIRMENTS:

SECTION 1 DEFINITIONS:

FORENSIC ACCOUNTING: The integration of accounting, auditing and investigative skills yields the specialty known as Forensic Accounting.

"Forensic", according to the Webster's Dictionary means, "Belonging to, used in or suitable to courts of judicature or to public discussion and debate."

"Forensic Accounting", provides an accounting analysis that is suitable to the court which will form the basis for discussion, debate and ultimately dispute resolution.

CITY LOAN PROGRAMS: includes but not limited to THE FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (JOBS DEVELOPMENT REVOLVING LOAN PROGRAM; (2) THE FORMER FEDERAL URBAN DEVELOPMENT ACT GRANT (UDAG REVOLVING LOAN PROGRAM), (3) THE COMMONWEALTH OF PENNSYLVANIA ENTERPRISE ZONE PROGRAM LOAN FUNDING (A/K/A ENTERPRISE LOAN PROGRAM; A/KA KEYSTONE COMMUNITIE PROGRAM AND/OR AS NAMED/DESIGNATED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

PA DCED: The PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

HUD: The U.S. Department of Housing & Urban Affairs

CITY OFFICAL/CITY STAFF/EMPLOYEYEE: Includes any person in the employment of the City of Johnstown's Department of Community and Economic Development during the periods of between January 1, 2002 thru April 7, 2015, and includes any and all persons serving as City Manager during the same time period.

SECTION 2:

(a) Request for Proposals for Forensic Accounting (Auditing) shall be by publication in at least three (3) daily newspapers and at least two (2) publication dates.

(b) No auditing firms having completed the annual auditing of City of Johnstown financial records for the period beginning on January 1, 2002 thru April 7, 2015 shall be retained and/or appointed for the purposes of conducting any Forensic Accounting (Auditing) of THE FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (JOBS DEVELOPMENT REVOLVING LOAN PROGRAM; (2) THE FORMER FEDERAL URBAN DEVELOPMENT ACT GRANT (UDAG REVOLVING LOAN PROGRAM), (3) THE COMMONWEALTH OF PENNSYLVANIA ENTERPRISE ZONE PROGRAM LOAN FUNDING (A/K/A ENTERPRISE LOAN PROGRAM; A/K/A KEYSTONE COMMUNITIE PROGRAM AND/OR AS NAMED/DESIGNATED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

© Reports and findings of the completed Forensic Accounting (Auditing) shall be considered a Public and Open City of Johnstown records, and made available not later than ten (10) days after being submitted to the city of Johnstown's governing-body (City Council)

(d) Reports and finding pertaining to funds made available thru THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, shall be forwarded by the firm, individual or other retained to conduct the Forensic Accounting (Auditing)

(e) Reports and finding pertaining to funds made available thru The U.S. Department of Housing & Urban Affairs, shall be forwarded by the firm, individual or other retained to conduct the Forensic Accounting (Auditing)

SECTION 3:

SCOPE OF Forensic Accounting (Auditing) for all City Economic Development Loans, including but not limited to.

a. The review of all loan applications as to date of submission, verification of loan applicant's statements and documentation of loan recipients financial ability and credit worthiness for receiving loan approval.

b. The internal City of Johnstown procedures used in reviewing and granting approval of any loans, including the review and approval by the City's Law Department.

c. Records of loan closing, including all executed agreements being complete and retained on file with the City of Johnstown.

d. Records of City of Johnstown officials' monitoring all loans as to terms and conditions of the executed loan agreements.

(e) Records of loan payments made to the City of Johnstown in accordance with conditions of the executed loan agreements.

(f) Records of the City of Johnstown notifying loan recipients of delinquent status in accordance with conditions of the executed loan agreements.

(g) Records of the City of Johnstown notifying loan recipients of delinquent status and the billing and collection of late fees in accordance with conditions of the executed loan agreements.

(h) Records of the City of Johnstown's writing-off loan balances, including the amounts of individual loans being written-off, and by what City official, staff person or other employees authorizing such.

SECTION 4:

Findings of any Impropriety, Fraud, Abuse or other Violation of Local, State or Federal Law.

a. If in the course of the Impropriety, Fraud, Abuse or other Violation of Local, State or Federal Law for all City Economic Development Loans, it is found that any improper actions, which might have resulted in Impropriety, Fraud, Abuse or other Violation of Local, State or Federal Law, the retained firm, company, individuals conducting the Forensic Accounting (Auditing) shall forward such findings to:

FEDERALY FUNDED LOANS:	The U.S. Department of Housing & Urban Affairs
COMMONWEALTH OF PENNSYLVANIA	
(DCED) FUNDED LOANS	Secretary Pennsylvania Department Community and Economic Development

SECTION 5. Any ordinance or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. This Ordinance shall become effective upon final passage by the City of Johnstown's governing-body and/or by the majority vote of the City Registered Electorate as a Ballot Referendum question at the next timely City of Johnstown Primary or General Election

PASSED FINALLY IN COUNCIL: DATE _____

BY THE FOLLOWING VOTE:

DEFEATED IN COUNCIL DATE August 12, 2015

BY THE FOLLOWING VOTE:

Yeas: (0); Nays: (7) Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza and Mr. Gentile

COUNCIL'S FAILURE TO ACT DATE _____

Ordinance No. 5228

Approved by the Tuesday, May 16, 2017 City of Johnstown Primary Election Ballot Referendum #1.

Pursuant to May 16, 2017 City of Johnstown Ballot Referendum
(Full Text of Ordinance)
CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5229

Bill No. 4 of 2016

Introduced as per
May 16, 2017 Ballot Referendum

AN ORDINANCE

ESTABLISHING "THE ETHICS CODE OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, FOR ALL ELECTED AND APPOINTED OFFICIALS, AND
APPOINTEES TO AGENCIES BY JOHNSTOWN CITY COUNCIL, BY ESTABLISHING
STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS, MEMBERS OF BOARDS,
AUTHORITIES AND COMMISSIONS OF THE CITY OF JOHNSTOWN, THE CITY
MANAGER, ASSISTANT CITY MANAGER AND DEPARTMENT HEADS AND CITY
EMPLOYEES ESTABLISHING THE "CITY OF JOHNSTOWN'S ETHICS' COMMISSION"

SECTION 1200 ETHICS CODE

1201: INTENT: It is the intent of Johnstown City Council that, as contemplated by the Pennsylvania Legislature, this code supplements the Commonwealth's Public Official and Employee Ethics Law and, as such, is intended to be more restrictive than the act. Nothing in the Ethic's Code of the City of Johnstown is intended to replace and/or diminish those requirements as defined in the Commonwealth's Ethics Statues(s), more specifically. Commonwealth's Public Official and Employee Ethics Law, Act 65.c.s.1109(b)

To insure the citizens and business interest of the "City of Johnstown" that all public officials, elected or appointed, conduct themselves in the position to which they hold that insures the public confidence and trust in municipal government affairs in a manner which is based on the integrity, impartiality and commitment to ethics of all public officials.

1202: DEFINITIONS: The following terms, when used in this Ordinance, shall be defines to indicate as follows:

- a. **Financial Interest:** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or to any person employing or retaining the service of the official, elected or appointed.
- b. **Council:** The governing body of the City of Johnstown of seven (7) members, which includes the position of (1) Mayor and (6) Councilpersons.
- c. **Official:** Any elected member of the City of Johnstown's government, the City Manager, Assistant City Manager, Department Heads, and appointees made by Council as representatives of the City of Johnstown to those agencies of the City of Johnstown.

- d. Agency: Any current department, board, authority and commission or such that may be established by the City. Such agencies include, but not limited to: Johnstown Housing Authority, Johnstown Redevelopment Authority, Greater Johnstown Water Authority, Johnstown Civil Service Commission, Johnstown Planning Commission, Zoning Hearing Board.
- e. Ethics Board of the City of Johnstown: A duly appointed and qualified board comprised of seven (7) individuals appointed by Council to terms of (3) years.
- f. Political Activity: Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position, including but not limited to the circulation of election petitions and the sale or distribution of fund raising items or tickets.

SECTION 1203: CONFLICT of INTEREST: Every official of the City must be constantly on guard against conflicts of interest. No official should be involved in any activity, which might be seen as conflicting with his/her responsibilities to the City. Should an official find him/herself in any direct or indirect financial interest with any person or other entity proposing contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decision making body or upon review and authority of the Ethics Board.

SECTION 1204: STATEMENT OF FINANCIAL INTEREST: All provisions and reporting requirements of the Commonwealth of Pennsylvania's Public Official and Employees Ethics Act, 65 Pa. C.S. 1109(b) shall be in place for all "Officials" as defined in this Ordinance.

SECTION 1205: SOLICITATION/ACCEPTANCE OF GIFTS:

No "Official" shall accept gifts and other things of value in return for favorable decision or vote.

(a) Any gift received must be publicly recorded and submitted to Office of the City Manager and/or the Office of the City Clerk, who shall maintain the following information:

1. Description of item received
2. Date item received
3. Value of item received
4. Name and address of donor
5. Any such items shall be maintained in under the control of the City Manager and/or City Clerk until a final disposition is authorized by official action by Council and/or the Ethics Board

(b) No "official" shall solicit or request discounts or free admissions to events or free use of City facilities, to which the general public is required to pay a fee for use and/or attendance.

(c) It shall be permitted for the acceptance of food and refreshments of nominal value at infrequent occasions or in the ordinary course of meetings, committee workshops or other special sessions for purpose of City business.

1206: POLITICAL ACTIVITIES:

- b. No "official" shall solicit or accept political contributions from city employees, any firm supplying materials, services and supplies, and firms or individuals providing services under "professional services agreements or contracts".
- c. No "official" shall offer or attempt to solicit campaign contribution or sell partisan political fund raising tickets while on City property to any city employee or "official".

SECTION 1207 ETHICS BOARD: A duly appointed and qualified board comprised of seven (7) individuals appointed by Council to terms of (3) years. Johnstown City Council shall take action to appoint the Ethics' Board members not later than thirty (30) after final adoption of this ordinance.

All vacancies to the Board of Ethics shall first be advertised at least two (2) times in the daily edition of the Tribune-Democrat.

(a) The Board of Ethics shall consist of seven (7) members who shall be appointed to an initial terms of (1, 2 and 3) years. Initial appointments shall be made by each Council Member selecting (1) one person as his/her appointee. Thereafter all appointments will be for (3) year terms, by a majority vote of the full Council. All appointees to the Board of Ethics shall meet the following requirements at the time of their appointment:

1. Be a City resident
2. Be a registered voter
3. Not a city employee or current appointee to any City agency
4. Not holding any political party office.
5. Having not served as an elected, appointed or employee of the City of Johnstown or any agency in the prior (2) years.

(b) Insofar as possible under state law, the Board of Ethics shall operate independent of Johnstown Council. The Board may issue binding opinions, conduct investigations on its own initiative and on referral or complaint. It may refer cases for prosecution, impose administrative fines and consult with independent counsel. City Council shall appropriate reasonably sufficient funds to the Board of Ethics to enable it perform its duties.

(c) The Board shall adopt the necessary rules, which will enable it to carry out its powers, duties and function. Meetings of the Board shall be at the call of the Chairman, and the affirmative vote of the quorum on Board present shall be necessary to take any action. The Board shall have the power to administer oaths.

(d) The Board shall serve without compensation, but shall be entitled to reimbursement of expense incurred by them in the performance of their duties.

(e) The Board shall render written advisory opinions at any time at the request of any official of the City involving possible conflicts of interest on the part of such official(s). All such request shall be in writing.

(f) The Board may for good cause refuse to entertain a request for an advisory opinion. Without limiting the generality of the foregoing, the Board may refuse to entertain a request where the request is speculative or purely hypothetical and does not involve an actual situation or where the request is frivolous.

(g) The Board shall render written advisory opinions in circumstances where there is alleged to be a conflict or unethical conduct on the part of any official(s) of the City within the scope of the Ethics Code.

(h) The Board shall acknowledge the receipt of a request in writing to the person submitting the request. If the request involves an official and the request is made by a person other than such employee or official, a copy of the request shall be sent to the employee or official so involved, with the name of the person making the request deleted so that his/her name will not be disclosed.

(i) The official involved in the request shall have the opportunity within fifteen (15) days after receipt to respond in writing and to submit a written request for a hearing on the matter or to do both.

(j) The Board shall upon receipt of a request for a hearing within the period above referred to by the official or employee involved set a time and place for the hearing for the purpose of hearing and determining the facts as presented. The person making the allegations and the official(s) involved shall have the opportunity to appear at the hearing by himself or by legal counsel to present any and all testimony and exhibits which are relevant to the issue before the Board. No testimony shall be excluded except for irrelevancy.

(k) All hearing before the board involving an alleged conflict of interest of an official shall be held in executive session, however that an open and public hearing may be held where such official alleged to have a conflict of interest consent thereto.

(l) The board shall within thirty (30) days after a request for an advisory opinion or thirty (30) days after a hearing on any request shall have been concluded. All opinions rendered by the Board shall be in writing and in such form and with necessary deletions as would prevent the disclosure of the identity of officials and/or employees involved.

(m) If the request for an opinion involves an official, and the person making the request is someone other than an employee or official, then after an opinion or decision has been reached by the Board, the Board shall notify all members of Council in writing. City Council shall have thirty (30) days to take whatever action is deemed necessary and as provided for in Penalties section of this Ordinance. Council shall report such action to the Board, in writing, no later than forty (45) days from date of receiving original decision from the Board.

(n) The Board of Ethics shall have the authority to issue subpoena to command witness, records or evidence for the purpose as deemed necessary for conducting an inquiry and/or investigation. Such action shall be by a majority vote of the Board of Ethics.

(o) The Board of Ethics shall within a maximum of one hundred and eighty days-eighty (180) days, either terminate the investigation or issue a findings report to the subject.

(p) The Board of Ethics may retain such court reporting services as required to perform those duties and responsibilities as authorized by the ordinance.

(q) The Board may request clerical assistance thru the City Manager. Such service should only be requested and granted if it can be ascertained that the CONFIDENTIALITY requirements can be maintained. City Council shall authorize funds for reasonable expenses for clerical services and/or court reporting service in the City's annual budget.

(r) The City Solicitor is authorized to serve legal counsel in matters brought before the "Ethic's Board" when deemed necessary by a majority of the Ethic's Board. Should the City Solicitor determine that he/she is unable to render any legal opinions due to possible conflicts on any specific matters before the Board, he may authorize and recommend outside legal counsel.

SECTION 1208: CONFIDENTIALITY OF BOARD INFORMATION

(a) All board proceedings and records relating to an investigation are confidential until the Board makes a final determination, except as may be required by due process. All other file material remains confidential. The Board however, may release the identity of a compliant if it has been determined that there has been a wrongful use of the Ethics Code, as set forth the following section. (Section 1209)

(b) The Minutes of any Meetings of the Ethic's Board shall be filed with the Office of the City Manager within (20) twenty days of said Meetings.

SECTION 1209: WRONGFUL USE OF THE BOARD OF EHTICS

1) Individuals directing unfounded, frivolous or false complaints may be subject to penalties including but not limited to criminal prosecution for perjury. The Ethics' Board may impose other penalties for the "Wrongful use of the Ethics Code" is defined as:

(a) Filing a frivolous complaint: A complaint is frivolous if it is filed in a grossly negligent manner without basis in law or fact or without probable cause and was made for a purpose other than a violation of the Ethics Code.

(b) A person has probable cause if he/she reasonably believes in the existence of the facts upon which a claim is based and either reasonably believes that under those facts the complaint is valid under this code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.

2. Publicly disclosing or causing to be disclosed that a complaint against a person has been filed with the ethics' board.

SECTION 1210: FILING of COMPLAINTS

(A) Who May file: Any person may file a complaint about alleged ethics violations of the City of Johnstown's Ethics' Code or the Home Rule Charter. In addition, the Board may initiate proceedings by its own action. A person signing a complaint shall:

1. Reasonably believe in the existence of the facts upon which the claim is based.
2. Reasonably believe that the complaint may be valid under the ethics provisions of the Ethics Code and/or by the Home Rule Charter of the City of Johnstown.

(B) How to file: Complaint forms are available upon request from the Ethics Board c/o City Hall, 401 Main Street, Johnstown, Pa. 15901. The complaint should state the name, job or office held by alleged violator and a description of the facts that are alleged to constitute a violation. All complaints must contain the notarized signature under penalty of law.

SECTION 1211: PENALTIES: Violations of any provisions of this "Ethics' Code" may result in one or more of the following actions as may be determined appropriate by a majority of the Ethics Board:

- (a) A finding that no action is warranted.
- (b) Public censure of an elected official, whereby the Ethics' Board shall condemn the actions of said official in a public communication.
- (c) Referral to appropriate authorities for possible criminal prosecution.
- (d) Prosecution by the Ethics' Board in a private complaint for a summary offense, titled: "Ethics Code Violation", a conviction of which shall result in a fine of no more than \$300. and/or thirty (30) days in jail.
- (e) Imposition of administrative fines to cover cost and expense of investigating any violation.
- (f) Public reprimand/ Private reprimand in cases where official is also an employee of the City of Johnstown, any disciplinary action shall be made a part of the officials/employees personnel file. The board shall decide as to whether the action is to be of a public reprimand or private reprimand.
- (g) Individuals directing unfounded, frivolous or false complaints to the Board of Ethics may be subject to penalties including but not limited to criminal prosecution for perjury.
- (h) Any other additional penalties authorized by the Home Rule Charter of the City of Johnstown, state and federal statutes and local ordinance(s).

SECTION 1212: COMPLIANCE: All officials covered by this ordinance shall be required to take the following action within thirty (30) days of final adoption of this ordinance.

- (a) Current Elected Officials: Sign, with the City Manager, a statement acknowledging reading and receiving a copy of the finally adopted ordinance, "Ethics' Code of the City of Johnstown.
- (b) Newly Elected Officials: Shall be given a copy of the "Ethics' Code of the City of Johnstown at the time they are administered his/her Oath of Office. They shall be required to a statement acknowledging reading and receiving a copy of the finally adopted ordinance, "Ethics' Code of the City of Johnstown".

(c) Officials who also are considered employee: City Manager, Assistant City Manager
Department Heads shall sign with the City Manager, a statement acknowledging reading and
receiving a copy of the finally adopted ordinance, "Ethics' Code of the City of Johnstown.

(d) Boards, Authorities & Commissions: Shall submit, through their respective agency, a
statement acknowledging reading and receiving a copy of the finally adopted ordinance, "Ethics'
Code of the City of Johnstown". Those agencies shall forward signed statements to the City
Manager. Any newly appointed person should be required to submit statement prior to
participating in agencies official business.

SECTION 1213: SEVERABILITY

Any ordinance or part of any ordinance which conflicts with provisions of this ordinance is
hereby repealed insofar as the same affects this ordinance or is inconsistent with this ordinance.

This Ordinance shall become effective upon final adoption:

Approved by the Tuesday, May 16, 2017 City of Johnstown Primary Election Ballot

Referendum #3.

(Full Text of Ordinance)
CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5230

Introduced in Council pursuant to
City of Johnstown's Home Rule Charter,
Article XII Initiative and Referendum Council
PETITIONERS COMMITTEE

BILL NO. 5 OF 2016

Introduced in Council
Jan. 20, 2016

AN ORDINANCE

CREATING A LOAN REVIEW COMMITTEE, AND ESTABLISHING PROCEDURES FOR THE APPROVAL OF ALL ECONOMIC DEVELOPMENT LOANS ADMINISTERED BY THE CITY'S DEPARTMENT OF COMMUNITY & ECONOMIC; AND POLICIES FOR WRITING-OFF OF LOANS DEEMED TO BE UNCOLLECTABLE, AND ESTABLISHING A LOAN REVIEW COMMITTEE BOARD CONSISTING OF (7) SEVEN MEMEBERS AS RECOMMENDED BY THE CITY MANAGER, AND CONFIRMED BY CITY COUNCIL FOR TERMS OF (3) THREE YEARS; AND FURTHER BY ESTABLISHING: CHAPTER 295 LOAN REVIEW COMMITTEE UNDER TITLE EIGHT: BOARDS AUTHORITIES AND COMMISSION OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN.

WHEREAS, the City of Johnstown desires to assist in the enhancement, expansion, development, creation of economic development activities within the City of Johnstown for individuals, firms, companies, LLC, partnerships', and individuals;

WHEREAS, the City of Johnstown has been able to assist such activities thru funding made available by:

- a. The U.S. Department of Housing & Urban Development's Community Development Block Grants (CDBG.
- b. The Commonwealth of Pennsylvania's Department of Community & Economic Development
- c. Local Funds when available from the former Urban Development Action Grant Program (UDAG Loan Program Fund.

SECTION 1 LOAN REVIEW COMMITTEE

- a) A Loan review Committee is hereby created and established consisting of (7) seven persons whose shall be selected by the City Manager, and confirmed by a Resolution of City Council. The Council shall vote in support of the confirmation or rejection of the City Manager's selection of persons, but shall not confirm persons not submitted by the City Manager.
- b) No City employee, Department Head or member of any other Board, Authority or Commission shall be eligible to serve on the Loan Review Committee, as a voting member.
- c) The Loan Review Committee membership shall be comprised of no fewer than (2) two members who shall be City of Johnstown residents and registered voters in the City of Johnstown, and (5) five members from the business community, banking institutions at the discretion of the City Manager.

Article XII Initiative and Referendum

Bill No. 5 of 2016

Page (2)

d) Initial appointments shall be for staggered terms with (2) two appointments being for a (1) one year terms; (2) two appointments being for a (2) two year terms; and (3) three appointments being for a (3) three year terms.

e) All Meetings held by the Loan Review Committee shall be subject to all provisions of the Commonwealth of Pennsylvania Sunshine Act 65 Pa. C.S. §§ 701 et seq. As amended by Act of June 30, 2011, No. 56, and require a quorum (4) four of the (7) members of the Loan review Committee in attendance to take any official actions.

f. No votes by any member of the Loan Review Committee Shall be permitted to be cast by telephone (land or cell), nor by text messaging, nor by e-mail transmissions.

g. Official Minutes of all Loan review Committee Meetings and/or Workshop Sessions shall be kept and maintained in the Offices of the City Manager under provisions of the Commonwealth of Pennsylvania Record Retention Act.

h. Secretarial and/or stenographer service shall be provided for all Loan Review Committee.

Section 4: Whoever violates or fails to comply with any of the provisions of these Codified Ordinances, including any provision of any standard, technical or other code adopted by reference in these Codified Ordinances, and including any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law, for which no penalty is otherwise provided in these Codified Ordinances, shall pay a civil penalty of not more than three hundred dollars (\$300.00) for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

SECTION 2. All ordinances or part in conflict herein are in the same are hereby repealed.

SECTION 3. This ordinance shall become effective upon final passage.

This Ordinance shall become effective upon final adoption:

PASSED FINALLY IN COUNCIL: DATE _____

BY THE FOLLOWING VOTE:

DEFEATED IN COUNCIL DATE _____

BY THE FOLLOWING VOTE:

COUNCIL'S FAILURE TO ACT DATE _____

Approved by the Tuesday, May 16, 2017 City of Johnstown Primary Election Ballot Referendum #2.

Full Text
ARTICLE XII. INITIATIVE AND REFERENDUM
CITY OF JOHNSTOWN's Home Rule Charter
City of Johnstown, Pennsylvania

Ordinance No. 5231

Bill 50 of 2016

By Petitioners Committee

Introduced in Council
December 29, 2016

AN ORDINANCE

AMENDING ORDINANCE NO. 4654, as amended by Ordinance Nos. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177), 5194, 5196, 5199 & Bill 29 of 2016, passed finally October 12, 2016. ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993, , by further amending ARTICLE II - Elected Officials - Council Organization and Procedures SECTION 203.

Organization of Council

Now therefore be it ordained by the City Council of the City of Johnstown

Section 1

DELETE:

~~(a) Regular Meetings. Regular meetings of Council shall be held at least once a month on the Council will meet once a month on the second Wednesday of the month. All meetings shall commence at 6:00 P.M. prevailing time unless otherwise advertised and public notice given. Any workshop meetings of Council shall be duly advertised with public notice given as required by law.~~

ADD:

(a) Regular Meetings. Regular meetings of Council shall be held at least once a month on the second Wednesday of the month. All meetings SHALL NOT commence or be scheduled for times prior to 5:00 P.M. prevailing time. Any Workshop and/or Committee meeting shall be duly advertised with public notice given as required by law, and SHALL NOT commence or be scheduled for times prior to 5:00 P.M. prevailing time.

DELETE:

~~(b) Special Meetings. Special meetings may be called by the Mayor on his own initiative or upon the written request of at least two members of the Council. A written notice shall be mailed or delivered to each Council member at least 24 hours before a special meeting is held. Such notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Council. Presence at the meeting constitutes waiver of notice.~~

ADD:

(b) Special Meetings. Special meetings may be called by the Mayor on his own initiative or upon the written request of at least two members of the Council. A written notice shall be mailed or delivered to each Council member at least 24 hours before a special meeting is held. Any SPECIAL MEETINGS shall be duly advertised with public notice given as required by law, and SHALL NOT commence or be scheduled for times prior to 5:00 P.M. prevailing time. Such notice shall specify the time and place of the SPECIAL MEETING and the specific business to be transacted. No other business shall be considered at such meeting by the Council. Presence at the meeting constitutes waiver of notice.

DELETE

~~(d) Executive Sessions. The Council may hold executive sessions as permitted by law.~~

ADD:

(d) Executive Sessions. The Council may hold executive sessions as permitted by law with any such Executive Session having been called for times not earlier than 5:00 p.m. prevailing time..

Section 2

Emergency Meetings. The Council may hold and take action at an emergency meeting at any time. Such emergency meetings may be called by the City Manager or by any member of the Council provided that: (1) a quorum is present as provided in the Charter; and (2) a majority of the Council determine that the holding of such meeting and the taking of emergency action at that time is essential to protect or promote the public health and safety of the City.

No provisions in SECTION 203 (a) and (b) is intended to nor does require the calling of and scheduling of Emergency Meetings at times to 5:00 P.M. prevailing time for Emergency purposes, and pursuant to the Commonwealth of Pennsylvania Sunshine Act **65 Pa.C.S.A. § 703. Definitions. "Emergency meeting."** A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

Section 3. All ordinances or part in conflict herein are in the same are hereby repealed

Section 4. This Ordinance shall become effective upon final passage.

12/29/16: TABLED:

by the following vote:

Yeas: Janakovic, Johncola, Mock, Vitovich and Vizza (5)

Nays: Stanton and Williams (2)

Absent:

COUNCIL'S FAILURE TO ACT: DATE _____

Approved by the Tuesday, May 16, 2017 City of Johnstown Primary Election Ballot

Referendum #4.