

MINUTES

CHARTER ADVISORY COMMISSION

Public Hearing re: Home Rule Form of Government for the Borough of Carlisle

April 5, 1990

President of the Commission, Gilmore Seavers, opened the hearing at 7:30 p.m. Council President Duncan made opening remarks and thanked everyone present for attending. He also thanked the Commission for agreeing to serve on this important body.

After a roll call was taken, the following were present: Robert Adams, Thomas Coolidge, Nancy George, Pierson Miller, and Gilmore Seavers.

Mr. Seavers explained that the meeting would be taped for future reference. He then gave background information on formation of the Commission and the task that lies ahead.

After a motion by Mr. Adams, second by Ms. George, minutes of the February 1, 1990, Charter Advisory Commission meeting were unanimously approved.

Chairman Seavers then introduced Tony Salamone and Bill Harrell from the Department of Community Affairs (DCA) present to speak on home rule. Representative John Broujos was also present to speak on the issue. At this time Mr. Seavers turned the floor over to Mr. Salamone.

Mr. Salamone defined "Home Rule" as a modification in the traditional relationship between a municipality and the state. He noted that some of the basic authority of the state to act would be transferred to the local government charter. He pointed out that home rule allows a municipality to do anything except that which is expressly prohibited by the state, whereas a borough can only do things expressly granted by the state. If there is a doubt as to whether or not the power exists, that doubt is always resolved by the courts in favor of the state.

Bill Harrell then spoke, referring to the attached memorandum from Borough Manager Loomis on home rule dated August 3, 1989. Mr. Loomis agreed to make this memo available to the public. Mr. Harrell noted that Carlisle presently has a Council/Manager form of government which is mandated by ordinance. A major criticism of the home rule law is that the limitations imposed by the state are extreme, but these limitations will probably provide more public acceptance. Home rule can provide a higher degree of citizen participation.

Mr. Harrell answered questions raised at the last meeting and pointed out that no municipality has ever abandoned home rule. There have been problems, mostly with transition, but these have been worked out with a good study commission and a professional consultant. There have been two proposals to repair a charter. The home rule question was put before 203 municipalities on the ballot; 165 were approved and 38 were defeated. Eighteen commissions recommended no change. Of the 118 commissions that wrote home rule charters, 59 were approved and 59 were defeated. One of the main reasons home rule charters have been defeated on the ballot has been because of the tax issue.

Mr. Harrell stated there are several reasons for changing to home rule. It is a healthy process. There is an element of prestige in being a home rule municipality. The form of government best for the municipality is solidified in a charter. Home rule leaves room for innovation.

Representative Broujos then discussed background of the birth of home rule and the third level, or local level, of government in the state of Pennsylvania. He pointed out that the relationship of home rule to Dillon's Rule raises several issues, including the fact that municipalities are creatures of the state. The state can give any power it wants to local government. One of the main questions to be answered by home rule is how much power the manager and mayor would have. The final question of home rule is up to the people. Representative Broujos pointed out that one of the advantages of home rule is that it is more participatory.

At this time Chairman Seavers opened the floor to questions from the Commission.

Ms. George questioned changes to rates of taxation. She referred to a previous statement that in municipalities where home rule was defeated, taxation was the basis for defeat. Mr. Salamone explained that the code limitations on tax rates would no longer apply, and the issue was defeated because this gets many of the electorate nervous. Mr. Harrell clarified that the charter can limit taxation but does not have to. Taxes can only be levied on subjects specified by the legislature, but these can be adjusted as municipalities see fit. He suggested limiting the overall tax revenue with the charter but allowing flexibility within the total framework.

Mr. Miller asked how long it takes to amend a charter. Mr. Harrell stated that amendments can be placed on the ballot by petition or by action of the governing body. There is no study committee process.

Mr. Adams questioned optional forms of government. Representative Broujos stated that optional form is a pre-packaged form from which you pick and choose options. Home rule is made up from scratch and allows you to pick any form you like. He pointed out that the problem with a strong mayor form of government in Carlisle is that the mayor cannot be expected to be a strong administrator because he is very limited in his compensation. There must be a balance between function and compensation.

Mr. Miller questioned tentative costs and stated he would like to see a chart of the proposal of different forms of government with a bottom line of

what the total cost would be and a comparable cost to the present operation of Borough government. Mr. Salamone reported that, in his judgment, this cannot be costed out. Mr. Miller clarified that he would like to see salary comparisons. Mr. Salamone stated that costing out these details would be a job for the study commission.

Chairman Seavers stated that this would be a more appropriate question to ask at the next meeting when representatives of municipalities that have gone home rule are present. He urged the Commission to be careful; responsibility of the Commission is only up to a certain point, and they have probably already surpassed that.

Mr. Coolidge questioned the cost for a study commission. The most recent data in a 1989 publication indicated that a study covering the years 1972-1980 reported an average cost for a municipality similar in size to Carlisle was around \$5,000. Mr. Coolidge wondered what updated study costs would be. Mr. Harrell stated that this figure has been updated and he will see that it is provided to the Commission. A ball park figure would be in the range of \$5,000 to \$10,000. Representative Broujos pointed out that retaining a consultant would impact fees. Also, legal and advertising costs must be considered. Mr. Harrell stated he would be willing to be the Borough's consultant and urged that a lawyer be employed prior to proceeding with this issue.

Mr. Coolidge also asked for a listing of those municipalities who chose not to adopt home rule. Mr. Harrell agreed to provide this.

Mr. Coolidge stated he is interested in the slowing rate of interest in home rule. Mr. Harrell stated that the process has slowed. This is normal since when home rule was new, everyone was quick to respond. Now it is normal to have three or four municipalities considering home rule per year.

Mr. Salamone stated that sometimes home rule is considered not as a change but as a guarantee that what presently exists will remain.

Mr. Adams reported that the Commission has received a letter from Council President Duncan expressing his views on home rule, and he wondered what other members of Council felt on this issue. Mr. Adams congratulated Council for considering another form that would do away with stagnation.

Chairman Seavers read President Duncan's comments into the record (see attached). He then opened the floor for comments from Council.

President Duncan expressed his belief that many citizens feel the Mayor has more power than he actually does, and he noted it may be easier to change the charter to reflect what the voters think the Mayor should be doing.

Councilman Ocker requested more specific information on increased citizen participation. He stated that Council now provides citizens the opportunity to speak at the beginning of meetings, when items appear on the agenda during the meeting, at task force meetings, etc. Mr. Harrell stated that this involvement in Carlisle is a decision of Council that could be revoked at any time. If this participation were written into a charter, it could not be revoked

by Council action. Mr. Harrell also mentioned that under home rule, through a petition, a number of citizens can place an ordinance on the ballot.

Councilman Spitz questioned the DCA book definitions and suggested that "Councilman" be changed to "Councilperson." He stated that the definition of "resident" includes anyone conducting or engaging in business for profit within the municipality. Mr. Spitz wondered if someone falls under this category if they could serve on Council. Mr. Harrell that on page three, section 203 of the Act, it states that candidates of the study commission shall be registered voters of the municipality. Therefore, persons engaged in business for profit and not residing in the Borough would not apply.

Councilman Owens expressed concern with the lack of citizen participation and the structure of collection taxes mandated by the state. He noted he would welcome an opportunity to look at another form of government such as home rule. Mr. Owens stated he hopes to be more involved with the committee and would like to meet with them at an actual meeting.

Councilman Robinson spoke noting he serves as chairman of the Finance Committee. Mr. Robinson expressed his concern that under the present system we have a stringent requirement on the way to raise revenue. Home rule would give the Borough some flexibility. Mr. Robinson stated he expects the Commission to look into additional revenue sources. He requested the experts elaborate on possible additional sources of taxation. Mr. Harrell clarified that no additional sources of taxation will be provided with home rule; only rates will change. New taxes cannot be invented.

Councilman Herman stated that we are coming into a new era where things will constantly change and the Borough will have to do things to come into the new century. Mr. Herman expressed his hopes that the Advisory Commission can give him guidance.

Mayor Wilson encouraged this body to continue with this work noting he would like to see creation of the study committee. He stated he does not favor a strong mayor form of government for this municipality. We are fortunate to have a Borough Manager and Assistant Borough Manager who provide direction at the executive level of government. A strong mayor form of government could increase costs. Responsibilities of the mayor could be modified, however, to perhaps have the mayor preside over meetings. Mayor Wilson stated that he would like to continue his responsibility for the police department and further enjoys the veto power.

Mayor Wilson pointed out that the Borough Code is outdated as far as its mandates of Civil Service requirements. He wondered if a home rule charter could move away from Civil Service provisions. Mr. Harrell reported that it could be written into the charter. Representative Broujos stated that there is nothing specifically against it, so the courts could eventually favor the Borough should the issue come to trial.

President Duncan questioned whether or not an elected official could serve on the study commission. Mr. Harrell stated they could serve. President Duncan then encouraged Council to avoid serving on this commission. This body should be composed of citizens so there will be no conflicts of interest. Mr. Salamone pointed out that anyone can run if they have 200 signatures.

Ed Heibel, 208 Acre Drive, asked if home rule would abolish the Borough's authorities. Representative Broujos stated that authorities themselves cannot be abolished because they normally have bond issues. Should the bond issue be put to rest, the authority can be abolished under the present form of government. Home rule will not impact the structure of authorities.

Phila Back expressed confusion about the sequence of the home rule procedure. She wondered when the new charter would be written. Mr. Harrell explained the procedure and noted that the charter would be presented when the study commission makes its recommendation.

Chairman Seavers suggested meeting with other municipalities that have home rule. He indicated that the Mayor and Borough Manager of State College would be willing to come to a meeting to speak. Ms. George indicated she would like to talk to a community that rejected home rule about their reasons for rejection. A general consensus of the Commission instructed the Chair to set something up around the middle of May.

As there was no further testimony, the hearing adjourned at 9:34 p.m.

Gilmore Seavers, Chairman

Cindy S. Crump
Borough Secretary
(Seal)