

Government Study Commission

Meeting Minutes

July 16, 2013

Committee members in attendance: William Berwick, Bert Lennon, Philip Shevlin, David Sheridan, Blake Wilson, Robert Winston, Kenneth Womack, Stephen Hughes, Alternate, John Sacrison. Absent from the meeting was James Flower.

1. Meeting was called to order at 7:00 PM
2. Review Minutes of the July 9, 2013 meeting. Minutes from the 7/9/13 meeting were approved.
3. Ken Womack gave an update on the committees request for the DCED to attend a commission meeting to hold a question and answer session. A letter of intent was approved and signed by Borough Council to request a representative from DCED attend a Government Study Commission on July 23, 2013. Ken will forward the letter of intent to DCED.
4. Old Business
 - a. Develop general calendar for orientation, research and a decision on direction. See attached Government Study Commission timeline information provided by Bert Lennon.
 - i. The committee voted 8-0 to approve to research all the optional forms of government and make a decision by December 4, 2013. The decision to be made would be if they choose to recommend, another form of government, a Home Rule Charter or recommend keeping the present form of government. There was a motion was by Bert Lennon and seconded by Stephen Hughes.
 - b. Develop request for information for DCED for July 23 meeting.
 - i. Obtain an updated version of the Pennsylvania boroughs that are operating under another form of government or Home Rule Charters.
 - ii. Ken Womack will prepare questions for the DCED representative.
 - c. Review proposed press release for August 6, 2012 Public Hearing.
 - i. Discussed what format to follow at the public hearing.
 1. To be an open forum.
 2. Information to educate the citizens on the optional forms of government.
 3. Describe the process of the commission.
 - ii. The Commission agreed on the press release prepared by Ken Womack.
 - iii. John Sacrison volunteered to be the contact person listed in the press release and the spokes person for the Government Study Commission.
 - iv. The press release will be submitted to The Sentinel, The Patriot and The Guide.
 - d. Discuss web site development and outreach issues.
 - i. The commission will submit information to be added to the Borough website along to include an email address for citizens to submit questions to the commission.
 - ii. Have Commission members attend the neighborhood meetings

- iii. Send monthly email updates to the neighborhood groups.
- iv. Robert Winston will contact Bill Bellinger at Dickinson College to inquire about a class project for a citizen's survey regarding Optional Form of Government.

The Commission was provided with updated fund balance for the Government Study Commission. As of July 16, 2013 the balance was \$7223.00.

5. New Business

- a. Identify person/ positions/agencies to interview for research step
 - i. Invitations will be extended to the following persons
 - 1. Current/Former Mayors
 - 2. Current Staff
 - 3. Current/Former Managers
 - 4. Police Chief
 - 5. Council from 1992 to present
 - 6. 1992 Study Commission
 - 7. DCA
 - 8. Neighborhood Groups
 - 9. Carlisle Chamber of Commerce
 - ii. Create a list of questions for the interview process.
 - iii. Interviews will be scheduled after the August 6, 2013 Public Hearing.
- b. Discuss optional forms of government as identified in DCED Publication on Home Rule
 - i. The commission discussed the optional forms of government. Attached are the details of each optional form government taken from the DCED Publication of Home Rule in Pennsylvania.
 - ii. The commission stated that the form of government recommended the 1992 Government Study Commission was Council/Manager Plan.
 - iii. The commission will continue to discuss these optional forms and present their selection at a Public meeting to be held in the latter part of 2013.

6. Additional Items

- a. No additional Items were discussed

7. Meeting was adjourned at 8:15 PM.

The next meeting will be on Tuesday, July 23, 2013 at 7:00 PM in Borough Hall.

Refernces

- 1. *Pennsylvania Department of Community & Economic Development, Home Rule in Pennsylvania March 2003*

Respectfully submitted,

Joyce Stone
Borough Secretary

Attachments: Government Study Commission Timeline
Pages from DCED Publication on Home Rule (http://www.newpa.com/webfm_send/1699)

GOVERNMENT STUDY COMMISSION TIMELINE INFORMATION

- Election dates (Cumberland County Election Bureau)
 - Primary -- May 21, 2013 – May 20, 2014 – May 19, 2015
 - General -- Nov 5, 2013 -- Nov 4, 2014 -- Nov 3, 2015

- Deadlines for Report of findings and recommendations (Sec. 2921 of 53 PA C.S.)
 - Commissioner election certified = Jun 4, 2013
 - If not charter, report w/in nine months = Mar 4, 2014
 - If HR Charter, report w/in eighteen months = Dec 4, 2014

- Referendum timelines based upon Final Report delivery to Secretary (DCED)
 - Within 5 days, secretary must certify report to county board of elections
 - Within 60 days, election board places proposal on ballot
 - Within 30 days of election, Secretary must give public notice (must be published in newspaper once a week for 3 consecutive weeks)

- DCED suggested work schedule for commission
 - Step 1 – orientation
 - Step 2 – research
 - Step 3 – decision on direction
 - Step 4 – draft charter at 6 month mark = Dec 4, 2013
 - Step 5 – review and public discussion of draft
 - Step 6 – Write final report
 - Step 7 – Voter education until referendum

**Chapter 30 Types of Optional Plans of
Government Subchapter A
Executive (Mayor) - Council Plan A**

Section 3001. Designation and applicability of plan

The form of government provided in this subchapter shall be known as the “Executive (Mayor) - Council Plan A” and shall, together with the laws applicable to that class of municipality and Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Chapter 31 (relating to general provisions common to optional plans), govern any municipality the electors of which have adopted it under this subpart.

Section 3002. Officers and employees

Each municipality under this subchapter shall be governed by an elected council, an elected executive who may be called mayor, as determined by the government study commission, an elected district attorney in the case of counties and, when recommended by the commission and adopted by the voters, an elected treasurer, an elected controller and by such other officers and employees as may be duly appointed pursuant to this subchapter or other applicable law.

Section 3003. Election and term of office of officials

The executive (mayor), the treasurer, if elected, the district attorney in the case of counties and the controller, if elected, shall be elected by the electors at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January next following his election.

Section 3004. Election and term of office of council members

The council shall consist of five members unless, under the authority granted under section 2924 (relating to specificity of recommendations), the municipality shall be governed by a council of three, seven, or nine members. Members of the council shall be elected at large by the electors unless, under the authority granted pursuant to section 2924, members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at-large and district basis as determined by the government study commission, or as specified in an initiative petition or ordinance of the governing body under the provisions of section 2942 (relating to initiations of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) at a regular municipal election and shall serve for a term of four years, except as otherwise provided in this subchapter, beginning on the first Monday of January next following their elections.

Section 3005. First election of council members

At the first municipal election following the adoption of this plan, council members shall be elected and shall serve for the terms as provided in section 3162 (relating to status and term of office of officials).

Section 3006. Legislative power vested in council

The legislative power of the municipality as provided by laws applicable to that class of municipality shall be exercised by the municipal council, except as may otherwise be provided for under this subpart.

Section 3007. Organization of council

On the first Monday of January following the regular municipal election, the members of council shall assemble at the usual place of meeting, organize and elect a president from among its members, who shall preside at its meetings and perform such other duties as council may prescribe, and a vice president, who shall preside in the absence of the president. If the first Monday is a legal holiday, the meeting shall be held on the next day.

Section 3008. Powers of council concerning officers and agencies

The council, in addition to other powers and duties as may be conferred upon it by general law, may require any municipal officer to prepare and submit sworn statements regarding the performance of the officer's official duties and may otherwise investigate the conduct of any department, office or agency of the municipal government.

Section 3009. Appointment and duties of municipal clerk or secretary

A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance as provided pursuant to section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform such functions as may be required by law or by local ordinance. The municipal clerk shall, prior to the appointment, have been qualified by training or experience to perform the duties of the office.

Section 3010. Executive power vested in executive

The executive power of the municipality shall be exercised by the executive (mayor).

Section 3011. Powers and duties of executive

The executive (mayor) shall enforce the plan and ordinances of the municipality and all general laws applicable to them. The executive shall, annually, report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall, from time to time, make these recommendations for action by the council as he deems in the public interest. He shall supervise the departments of the municipal government and shall require each department to make annual and other reports of its work as he deems desirable.

Section 3012. Approval or veto of ordinances

- (a) **General rule.** – Ordinances adopted by the council shall be submitted to the executive (mayor) who shall, within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto, or veto the ordinance by delivering it to the municipal clerk together with a statement setting forth his objections. The clerk shall immediately notify the council of the veto. No ordinance or any item or part thereof shall take effect without the executive's (mayor's) approval, unless the executive (mayor) fails to return an ordinance to the clerk within ten days after it has been presented to him, or unless council upon reconsideration of the veto on or after the third day following its return by the executive (mayor) shall override the executive's (mayor's) veto by a vote of a majority plus one of the members.

- (b) **Attendance at meetings of council.** – The executive (mayor) may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

Section 3013. Mayor, departments and department heads

- (a) **Inability of executive to perform duties.** – The executive (mayor) shall designate any department head to act as executive (mayor) whenever the executive (mayor) shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of his office. During such time the person so designated by the executive (mayor) shall possess all the rights, powers and duties of the executive (mayor). Whenever the executive (mayor) has been unable to attend to the duties of his office for a period of 60 consecutive days for any of the reasons stated in this subsection, a member of council shall be appointed by the council as acting executive (mayor), who shall succeed to all the rights, powers and duties of the executive (mayor) or the then acting executive (mayor), until he shall return or his disability ceases.
- (b) **Establishment and exercise of functions of department.** – The municipality may have a department of administration and shall have such other departments as council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the office of the clerk, treasurer, if elected, and controller, shall be assigned among and within the departments.
- (c) **Appointment and term of department heads and solicitor.** – Each department shall be headed by a director who shall be appointed by the executive (mayor) with the advice and consent of the council. Each municipality shall also have a solicitor who shall be appointed by the executive (mayor) with the advice and consent of council. Each department head and the solicitor shall serve during the term of office of the executive (mayor) appointing him, and until the appointment and qualification of his successor. No member of municipal council shall head a department.
- (d) **Removal of department head.** – The executive (mayor) may remove any department head after notice and an opportunity to be heard. Prior to removing a department head, the executive (mayor) shall first file written notice of his intention with the council. The removal shall become effective 20 days after the filing of the notice.
- (e) **Department officers and employees.** – Department heads shall appoint subordinate officers and employees within their departments under procedures established in section 3122 (relating to appointment of subordinate officers and employees).

Section 3014. Department of administration

- (a) **Department heads.** – Where a department of administration is established, it shall be headed by a director. The director shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. At the time of appointment, the director need not be a resident of the municipality or this Commonwealth. He shall have, exercise and discharge the functions, powers and duties of the department.
- (b) **Department functions.** – The department, under the direction and supervision of the executive (mayor), shall have the following powers and duties:
 - (1) To assist in the preparation of the budget.

- (2) To administer a centralized purchasing system.
- (3) To establish and administer a centralized personnel system.
- (4) To establish and maintain a centralized accounting system which shall be so designed as to accurately reflect the assets, liabilities, receipts and expenditures of the municipality.
- (5) To perform any other duties as council may prescribe through the administrative ordinance or as the executive (mayor) may direct.

Section 3015. Budget

The municipal budget shall be prepared by the executive (mayor) with the assistance of the director of the department of administration or other officer designated by the executive (mayor).

Section 3016. Form and adoption of budget

The budget shall be in the form required by council and shall have appended to it a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council may reduce any item or items in the executive's (mayor's) budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of a majority plus one of the members of council. Council shall, upon the introduction of the proposed budget, fix a date for adoption, which shall except as otherwise provided be not later than December 31 immediately following.

Section 3017. Amended budget

During January next following any municipal election, the executive (mayor) may submit an amended budget to council. Council shall consider it in the same manner as provided in section 3016 (relating to form and adoption of budget), but final consideration of the amended budget shall be completed by February 15 of the same year.

Section 3018. Council amendments to budget

Council may amend the budget during January next following any municipal election. Final adoption of the amended budget shall be completed by February 15 of the same year.

Subchapter B

Executive (Mayor) - Council Plan B

Section 3031. Designation and applicability of plan

The form of government provided in this subchapter shall be known as the "Executive (Mayor) - Council Plan B" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan

municipalities), Subchapter A of Chapter 30 (relating to executive (mayor) council plan A) and Subchapter A of Chapter 31 (relating to officers and employees), with the exception of section 3013(b) (relating to mayor, departments and department heads), govern any municipality the voters of which have adopted it pursuant to this subpart.

Section 3032. Departments

The municipality shall have a department of administration and shall have such other departments as council may establish by ordinance. The administrative functions, powers and duties of the municipality, other than those vested in the office of the clerk, treasurer and controller, if provided for, shall be allocated and assigned among and within the departments except that the functions specified in section 3014 (relating to department of administration) shall be assigned to the department of administration.

Section 3033. Mandatory department of administration

Under Executive (Mayor) - Council Plan B a department of administration shall be established.

Subchapter C

Executive (Mayor) - Council Plan C

Section 3041. Designation and applicability of plan

The form of government provided in this subpart shall be known as the “Executive (Mayor) - Council Plan C” and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities), Subchapter A of Chapter 30 (relating to executive (mayor) - council plan A) and Subchapter A of Chapter 31 (relating to officers and employees), with the exception of section 3011 (relating to powers and duties of executive), govern any municipality the voters of which have adopted it pursuant to this subpart.

Section 3042. Powers and duties of executive

The executive (mayor) shall enforce the plan and ordinances of the municipality and all general laws applicable thereto. The executive shall, annually, report to other council and the public of the work of the previous year and on the condition and requirements of the municipal government and shall, from time to time, make those recommendations for action by the council he deems in the public interest.

Section 3043. Appointment and duties of managing director

- (a) **General rule.** – The executive (mayor) shall appoint, with the advice and consent of the council, a managing director who shall supervise the departments of government and who shall be the contact officer between the mayor and the departments. The managing director shall make periodic reports with those recommendations as he deems appropriate to the executive (mayor) concerning the affairs of municipal government and particularly of the departments.
- (b) **Removal.** – The executive (mayor) may remove a managing director after notice and an opportunity to be heard. Prior to removing a managing director, the executive (mayor) shall first file written notice of his intention with the council. The removal shall become effective 20 days after the filing of the notice.

Subchapter D

Council - Manager Plan

Section 3051. Designation and applicability of plan

The form of government provided in this subchapter shall be known as the “Council-Manager Plan” and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), govern any municipality the voters of which have adopted this plan pursuant to this subpart.

Section 3052. Officers and employees

Each municipality under this subchapter shall be governed by an elected council, one member of which shall be the mayor, or president of council, or chairman chosen under sections 2924 (relating to specificity of recommendations) and 3056 (relating to selection of mayor, council president or chairman), an elected district attorney in the case of counties, and an appointed municipal manager, and, if so provided under the plan, an elected treasurer, an elected controller and by those other officers and employees as may be duly appointed pursuant to this subchapter, general law or ordinance.

Section 3053. Election and term of office of elected officials

The district attorney in the case of counties and the treasurer and controller, if provided for and if elected, shall be elected by the electors at a regular municipal election and shall serve for a term of four years beginning the first Monday of January next following the election.

Section 3054. Election and term of office of council members

The municipal council shall consist of five members, unless under the authority granted pursuant to section 2924 (relating to specificity of recommendations), the municipality shall be governed by a council of three, seven or nine members. Members of the municipal council shall be elected at large by the electors unless, pursuant to the authority granted under section 2924, members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at large and district basis as determined by the charter study commission or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question), at a regular municipal election. The members shall serve for a term of four years except as provided in this subchapter, beginning on the first Monday of January next following their election.

Section 3055. First election of council members

At the first municipal election following the adoption by a municipality of this charter plan, council members shall be elected and shall serve for the terms as provided in section 3162 (relating to status and term of office of officials).

Section 3056. Selection of mayor, council president or chairman

- (a) **General rule.** – On the first Monday in January following the municipal election, the members of the municipal council shall assemble at the usual place of meeting, organize and elect one of their number as mayor or president of council or chairman unless otherwise provided. The mayor or president of council or chairman shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of the organization meeting, to elect a mayor or president of council or chairman, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor, president of council or chairman. If that person declines to accept the office, then the person receiving the next highest vote shall be the mayor, president of council, or chairman, and so on, until the office is filled. The mayor or president of council, or chairman shall preside at all meetings of the municipal council and shall have a vote in its proceedings.
- (b) **Election of mayor.** – On the recommendation of the government study commission as provided under section 2924 (relating to specificity of recommendations), or as specified in an initiative petition or ordinance of the governing body as authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question), the mayor shall be elected directly by the electors at the regular municipal election in lieu of being chosen as provided in subsection (a).

Section 3057. Appointment and duties of municipal clerk or secretary

A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance as provided in section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform any functions as may be required by law or ordinance. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

Section 3058. Powers and duties of council

- (a) **General rule.** – All powers as provided by laws applicable to that class of municipality shall be vested in the municipal council, except as otherwise provided by this subchapter, and the council shall provide for the exercise thereof and for the performance of all duties imposed on the municipality by law.
- (b) **Adoption of administrative ordinance.** – The council shall by ordinance adopt an administrative ordinance defining the responsibilities of the municipal departments and agencies as it deems necessary and proper for the efficient conduct of municipal affairs.
- (c) **Appointment of municipal manager.** – The municipal council shall appoint a municipal manager. The office of municipal manager and municipal clerk or secretary may be held by the same person.
- (d) **Investigations.** – The council may make investigations into the affairs of the municipality and the conduct of any municipal department, office or agency.
- (e) **Administrative departments, boards and offices.** – The municipal council shall continue or create, and determine and define, the powers and duties of any executive and administrative departments, boards and offices, in addition to those provided for in this subpart, as it deems necessary for the proper and efficient

conduct of the affairs of the municipality, including the office of deputy manager. Any department, board or office so continued or created may be abolished by the municipal council. No member of municipal council shall head an administrative department.

- (f) **Additional powers and limitations.** – It is the intention of this subchapter that the municipal council shall act in all matters as a body, and it is contrary to the spirit of this subchapter for any of its members to seek individually to influence the official acts of the municipal manager or any other officer, or for the council or any of its members to direct or request the appointment of any person to or his removal from office, or to interfere in any way with the performance by the officers of their duties. The council and its members shall deal with the administrative service solely through the municipal manager and shall not give orders to any subordinates of the municipal manager, either publicly or privately. This subchapter does not prevent the municipal council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to those committees such powers of inquiry as the municipal council deems necessary.

Section 3059. Qualifications of municipal manager

The municipal manager shall be chosen by the council on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the municipality or this Commonwealth. The municipal manager shall not hold any elective governmental office.

Section 3060. Removal of municipal manager from office

The municipal manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least 30 days before the removal becomes effective, the council shall notify the municipal manager of its decision to remove him from office, by a majority vote of its members, stating the reasons for his removal. The municipal manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of the request. After the public hearing, if one is requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the municipal manager from duty, but may, in any case, cause to be paid immediately any unpaid balance of his salary and his salary for the next three calendar months.

Section 3061. Inability of municipal manager to perform duties

The municipal manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make a designation, or if the absence or disability continues more than 30 days, the council may appoint an officer of the municipality to perform the duties of the manager during the absence or disability until the manager returns or his disability ceases.

Section 3062. Powers and duties of municipal manager

The municipal manager shall have the following powers and duties:

- (1) To be the chief executive and administrative official of the municipality.
- (2) To execute all laws and ordinances.

- (3) To appoint and remove department heads and the deputy manager, if one is authorized by council, and appoint subordinate officers and employees under procedures established in section 3122 (relating to appointment of subordinate officers and employees).
- (4) To negotiate contracts for the municipality, subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements and execute municipal improvements as determined by the municipal council.
- (5) To assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and, upon knowledge of any violations, to call the same to the attention of the municipal council.
- (6) To prepare the agenda for and attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote.
- (7) To make such recommendations to the council concerning policy formulation as he deems desirable and keep the council and the public informed as to the conduct of municipal affairs.
- (8) To prepare and submit the annual budget to the council together with such explanatory comment as he deems desirable and to administer the municipal budget.
- (9) To perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.
- (10) To be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the municipality within the jurisdiction of the council.

Section 3063. Preparation and adoption of budget

The municipal manager shall submit to council his recommended budget, together with any explanatory comment or statement he deems desirable. The budget shall be in such form as is required by council for municipal budgets and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council shall upon introduction of the proposed budget fix a date for adoption thereof which shall be not later than December 31 immediately following submission.

Section 3064. Amended budget

During January next following any municipal election, council may request the manager to submit an amended budget to council which shall consider it in the same manner as provided in section 3063 (relating to preparation and adoption of budget), except that final adoption of the amended budget shall not be later than February 15 of the same year.