

Government Study Commission
Meeting Minutes
July 23, 2013

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

1. Meeting was called to order at 7:00 PM
2. Review Minutes of the July 23, 2013 meeting
3. Presentation from DCED, Ms. Marita Kelley and Jonathon Hendrickson. Attached is a power point presentation that was presented to the committee.
Ms. Kelley recommended if legal guidance is needed the Commission should seek legal counsel for advice.
A list of resources to contact:
 - Local Government Commission Davis Green – lead attorney
 - PA Economy of League
 - Local Government Academy
4. Old Business
 - a. The Commission will compile information regarding the limitations of the commission.
 - b. Mr. Sacrison will prepare a statement for the public hearing for the Commission to review.
 - c. Obtain charter reports from the state of charters that have been passed.
 - d. Borough Secretary will submit the advertisement for Public Hearing to the local newspaper.
 - e. The email address for John Sacrison will be added to the Borough website on the Government Study Commission information page.
 - f. Ken Womack will draft a letter to be sent to the neighborhood groups.
 - g. The Commission members were assigned to individual municipalities that have adopted Home Rule or an optional form of government. The Commission members will contact these municipalities to obtain information on how the new form of government is working in their community.
5. New Business
 - a. Questions for municipalities will be drafted after the public hearing.
6. Additional Items
 - a. None
7. Meeting was adjourned at 8:45 PM.

The next meeting will be on Tuesday, August 6, 2013 at 7:00 PM in Borough Hall for the Public Hearing.

Respectfully submitted,

Joyce Stone
Borough Secretary

Attachment: DCED Home Rule Basics

Home Rule Basics

ALTOONA GOVERNMENT STUDY
COMMISSION

July 1, 2013

Presentation By:

Michael Foreman

Department of Community & Economic
Development

Home Rule Basics

Municipalities shall have the ***right*** and power to frame and adopt home rule charters. Adoption, amendment or repeal of a home rule charter shall be by ***referendum***...A municipality which has a home rule charter may exercise any ***power*** or perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.

Pennsylvania Constitution, Article IX, Section 2

Time Frame

- GSC question approved and 7 members elected – May 21, 2013
- GSC must report findings and recommendations –
 - Decision: no change or home rule charter – no later than February 2014
 - If home rule charter recommended – no later than November 2014
 - Charter w/districts – no later than mid Jan 2015
- May amend up to 60 days before referendum
- Implementation Date ... depends

Home Rule Basics

DEFINITION -

- The basic authority to act in municipal affairs is transferred from state law, as set forth by the General Assembly, to a local charter, adopted and amended by the voters.
- Under the state code, you can only do what is permitted by law. Under home rule, you can do anything not prohibited by law.

Historic Reasons for Home Rule

- Residual powers – write own administrative code
- Increased citizen access – initiative & referendum
- Improved accountability & responsiveness
- Improved fiscal procedures & controls
- Flexibility
- Professional administration
- Wider representation
- Focused political leadership
- Separate legislative & executive functions
- Merit hiring & advancement

Home Rule Limitations

- United States Constitution
- Pennsylvania Constitution
- State laws
 - Specific restrictions – Home Rule and Optional Plans Act
 - Laws that are uniform & applicable throughout the Commonwealth
 - Laws directed expressly at home rule governments (tax rates, special taxation)
- The charter itself

Restrictions in State Law

- Arbitration/Labor Relations
- Boundary Change Law
- Independence of municipalities
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law

Specific Restrictions

- Local Agency Law
- Tort claims
- Unit Debt Act
- Taxation subjects
- Court appointed personnel
- Veterans preference
- Clean streams
- Sewage Facilities Act
- Storm Water Management Act