

Government Study Commission
October 15, 2013
Bosler Memorial Library
Meeting Minutes

Committee members in attendance: Bert Lennon, Philip Shevlin, David Sheridan, Robert Winston, Stephen Hughes, Blake Wilson, William Burwick, Alternate, John Sacrison.

The meeting was held at the Bosler Memorial Library. Twenty-five citizens were in attendance.

Ken Womack called the meeting to order.

On behalf of the Commission, Ken Womack acknowledged the passing of a Commission member, James Flower and expressed sympathy to the family for their loss.

Ken Womack gave a synopsis of the Commission progress to this point in time. The research phase of the commission was to identify the issues that could be addressed through an optional form of government or a home rule charter. The Commission is at the decision making point to decide to proceed with an optional form of government, Home Rule Charter or no change.

Old Business

- a. The commission presented individual reports on issues that were determined could be addressed through an optional form of government or a Home Rule Charter.
- b. Attached is the power point information that was presented at the meeting.
- c. During the presentation the following comments were received by the citizens.

Jane Rigler recommended that the commission look at Luzern County's recent adoption of a Home Rule Charter.

Government Study Commissioner Bert Lennon commented the Commission researched boroughs that have similar functions and population to Carlisle and Luzern is a County that did not fit the criteria.

A suggestion was made to talk to Luzern County to ask how their experience with a Home Rule Charter is working.

Jane Rigler inquired under a Home Rule Charter is a Mayor required.

Government Study Commissioner Bob Winston replied if a council/mayor form of government is chosen a president or Mayor is elected from within the council and not a separate elected Mayor.

There was discussion regarding elections by wards. Ken Womack commented that once a decision is made for an Optional Form of government or Home Rule Charter each of

the seven issues will be studied by individual committees to determine if the issue should be included in the new form of government.

It was suggested that once the decision is reached the Commission should explain why the decision was made to choose Home Rule Charter, an Optional form of Government or to make no changes.

There was discussion as to why a Home Rule Charter is necessary if the issues that were raised would just be changed by the present council. Bob Winston noted that the issues under consideration such as an elected tax collector are governed under the present Borough Code which cannot be changed by council.

A recommendation from the citizens to place the Government Study Commission agenda on the Borough website was made. Ken Womack said he would try to get the agenda on the web site by Friday preceding the next meeting

Linda Ceconello commented that she was pleased to see the people attending the meeting but would like to make citizen aware of the cost of the study. She stated the Commission had budgeted \$10,000 in 2013 and \$10,000 in 2014 and are receiving in kind services for clerical which at the last 1992 Commission they paid for these services. She would like to see the tax payers come in and be part of the process. Bob Winston clarified that this Commission will not spend \$10,000.00 in 2013 and they have submitted a budget for 2014.

A comment was made that the concept of a Home Rule Charter is not a new idea in regard to forms of government. This form of government concept has been around since the 1875.

Ken Womack recommended the citizen read the 1992 Charter which is on the Borough website. This process is all about getting the citizens involved in the decision.

Suggestions were made to report regularly to the newspaper to keep the citizens informed on the progress of the commission.

- d. Approve draft decision on how to proceed will be discussed at the October 22, 2013 meeting.

New business

- a. Approval of meeting minutes from October 1 and 8, 2013 were tabled until the next meeting.
- b. Fill vacancy on the Government Study Commission.
A motion was made by Dave Sheridan and a second by Blake Wilson to appoint John Sacrison as a Government Study Commissioner, filling the vacancy left by the passing of James Flower. The motion was approved by a vote of 8-0.

Adjourned at 9:00 PM

**Government Study Commission
Public Hearing**

October 15, 2013

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Welcome everyone.

Introduce members of the commission.

Purpose

- Provide information to the public on the current status of the Government Study Commission process
- Identify issues in municipal government which might be better addressed through either an optional form of government or a home rule charter
- Announce tentative decision to either maintain the existing form of government, an optional form of government, or to adopt a home rule charter

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Three primary reasons for the public hearing:

To provide an update to the public on where the commission is in the home rule study process

To identify issues the commission determined might be better addressed through an optional form of government or a home rule charter

To announce a tentative decision on how the commission plans to proceed.

Work Schedule for Home Rule

- 18 months to Complete
- 7 step process:
 - Orientation: organization meeting, learning powers/duties, working on budget and planning work
 - Research: study current form of government and alternatives
 - **Decision Making: no change , optional plan or home rule**
 - Drafting Charter (if choosing home rule)
 - Review and Public Discussion on Draft Charter
 - Writing Final Report
 - Voter Education

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The commission has an overall schedule and process prescribed in law.

The commission has organized its work and has a general plan for how to proceed.

The commission has completed the research step. During this step the commission conducted a public hearing, interviewed current and former council members, current and former mayors, and current and former staff members. In addition, the commission will reach out to nine other boroughs in the Commonwealth who have adopted, and in some cases, amended, a home rule charter.

Research Phase

- Public Hearing on August 6th
- Interview current and former elected officials
- Interview current and former mayors
- Interview current and former borough managers
- Studied home rule process, final reports and charters of nine boroughs that adopted home rule

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Boroughs studied

<u>Borough</u>	<u>Population</u>	<u>Adopted</u>
Bellevue	8,370	11/5/1974
Bethel Park	32,313	11/2/1976
Kingston	13,182	11/5/1974
Monroeville	28,336	5/21/1974
Murrysville	20,079	4/27/1976
Norristown	34,369	11/6/1984
State College	42,457	11/6/1973
West Chester	19,144	11/2/1993
Whitehall	13,948	3/31/1994

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Key Findings – Research Phase

1. Process to select mayor and best role for the mayor
2. Election procedures
3. Citizen right to petition for initiative/referendum
4. An alternative to using the elected tax collector
5. Alternative procedures for borough purchasing/contracts
6. A code of ethics
7. Financial impact of home rule

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This list represents the key issues which continued to surface during the research phase. It is not an inclusive list but these issues surfaced frequently during the research phase. An individual slide with more detail on each of these will follow.

Mayor

- Should mayor be elected or appointed by council
- Should mayor have a vote on the council
- Should mayor have a greater executive role in borough government (appoint and supervise department heads)
- Should mayor or borough manager supervise police chief

Home Rule Charter
Optional Form of Government or Home Rule Charter

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Election Procedures

- Size of council
- Elect council at-large, by wards or combination
- Term limits

Home Rule Charter
Optional Form of Government or Home Rule Charter

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Citizen Right to Petition

- Right to be heard
- Initiative
- Referendum
- Recall

Home Rule Charter
Optional Form of Government or Home Rule Charter

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Tax Collector

- Keep elected tax collector
- Require taxes to be collected by municipality
- Give council the authority to determine how taxes are collected

Home Rule Charter
Optional Form of Government or Home Rule Charter

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Borough purchasing/contracts

- Advertising
- Limits for competitive bidding
- Require bidding for professional services

Home Rule Charter
Optional Form of Government or Home Rule Charter

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Code of Ethics

Require a code of ethics for municipal government elected and appointed officials and employees

Home Rule Charter
Optional Form of Government or Home Rule Charter

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Financial Impact of Home Rule

- Taxes
- Direct financial impact
- Indirect financial impact

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Optional Forms of Government

Optional Plans

Plan A. Executive (Mayor)-Council Plan (department of administration optional)

Plan B. Executive (Mayor)-Council Plan (department of administration mandated)

Plan C. Executive (Mayor)-Council Plan (provides for the office of managing director)

Plan D. Council-Manager Plan

Municipalities Adopting Optional Plans Gain:

- No home rule powers
- Remain subject to the provisions in the municipal code, except where it is superseded by structural provisions of the optional plan

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The General Assembly chose to implement the constitutional mandates for home rule and for optional plans of government for municipalities in a single piece of legislation. Adoption of an optional plan is through the same government study commission process as for home rule, except the government study commission merely selects one of the optional plans provided in Sections 2971 through 3171 of the Law. Municipalities adopting optional plans gain no home rule powers; they remain subject to the provisions of their municipal code, except where it is superseded by the structural provisions of the optional plan.

The optional plans have not proven very popular with Pennsylvania municipalities. As of September 1, 1999, only 22 government study commissions recommended optional plans to the voters, as opposed to 136 recommending home rule charters. Only 12 optional plans have been adopted, and one of those was repealed in 1981.

Decision (Draft)

The Government Study Commission, after discussing and evaluating inputs from the public, current and former elected and appointed borough officials, and reviewing home rule charters adopted by other municipalities in the Commonwealth has determined that:

- The optional plans of government offer limited alternatives relating to government form and structure, limit any other home rule powers available to the borough, and do not address solutions to some key issues facing the Borough
- Home Rule can be an effective tool to enable the Borough of Carlisle to increase efficiency and effectiveness in municipal government operations and to make municipal government more responsive to the citizens of Carlisle
- The commission will develop a home rule charter for presentation to the electorate.

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 and executive functions
- Merit hiring & advancement

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This slide identifies a number of issues other municipalities in the Commonwealth have considered in making a decision on home rule. The commission wants to make you aware of these. We want to assure you that this list does not represent an “agenda” for its study. However, we do want you to know that we are prepared to examine all issues based on the results of our research, to include the issues you identify at this hearing.

Considerations for Home Rule

- Forms of Government
- Structure of Government
- Operation and Procedures of Council
- Legislative Actions
- Elected Officials
- Appointed Officials
- Personnel
- Administrative and Fiscal Considerations
- Taxation

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This slide identifies a number of issues which can be addressed under home rule. I would ask that you not ask us to explain the details of all of these tonight. Some are complicated and will require more study, and possibly legal interpretation, on exactly what can and cannot be done under home rule. At this time we are more interested in hearing what you think are the major issues, before we invest a lot of time and resources in the nuts and bolts of particular issues. We can assure you however, that when we begin considering particular options, we will address these in detail.

Home Rule Limitations

- U.S. & Pennsylvania Constitutions
- State Laws
- Arbitration/Labor Relations
- Boundary Change Law
- Independence of municipalities
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law

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There are some limitations on home rule. This and the following slides list some of those restrictions.

Additional Comments

- The commission will make no decisions at this public hearing (other than administrative issues)
- The commission is still in the research phase. Consider any responses or comments from the commission as preliminary at this time (there is much detail to learn concerning the specific opportunities/restrictions on the home rule process)

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Please understand that we are not here tonight to make any decisions, other than perhaps administrative decisions (meeting schedules, etc.). We are here to continue our research to prepare us to make a decision in October on the way forward, that is to either maintain the current government as is, to select an optional form of government, or to proceed with drafting a home rule charter.

If you ask a question tonight and we tell you that, "yes, we think we can do that," we may subsequently find out that we cannot do that. As we look into your suggestions and recommendations we will make sure we fully understand what the commission can, and cannot do, as part of its recommendations.

Finally, I want you to know that the commission is absolutely committed to transparency in this process. All of our meetings are open to the public. We put our minutes and other information on the web site. Our web site has a "contact us" link you can use to send information or ask questions.

We will have at least one more public hearing before we make a recommendation on the way ahead in October.