

Government Study Commission
Minutes
September 17, 2013

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

Mr. Ken Womack called the meeting to order at 7:05 PM.

The September 3, 2013 and September 10, 2013 meeting minutes were approved with corrections.

Present at the meeting were past council member Ken Gossert and Councilor Ceconello.

Mr. Ken Gossert was asked if the council should be elected by wards, a combination of wards and at large or just at large. Mr. Gossert stated to elect by wards may prevent from having the best possible people run for council. He thinks seven members is an effective number for council.

Councilor Ceconello stated the at large vote is better but if you vote by wards you have input from the entire Borough

Mr. Gossert stated the council needs to listen to all the people not just the people in a certain ward.

The Commission discussed requirements for designated wards and how the wards districts are determined.

Mr. Gossert asked who would appoint the tax collector if not elected, would it be the borough manager or council. He stated the last effective elected tax collector was Earl Keller and when citizens run for tax collector you don't know what you will actually get as a tax collector.

Council Ceconello noted any person that collects taxes as well as the tax collector must be bonded.

Blake Wilson asked if the Borough Manager could appoint a tax collector.

Council Ceconello stated the Borough Manager can only hire and fire borough employees. At one time the council did appoint a tax collector. She also noted there have been citizens that ran for tax collectors and because the borough wanted to collect the taxes the elected tax collectors were talked out of fulfilling the job.

Ken Womack recalled a suggestion by Don Grell that if a Home Rule Charter is written, it could include the wording stating that Borough Council can decide if the tax collector will be appointed or elected.

Ken Womack asked Council Ceconello if it is important to give council a choice in how the tax collector is chosen.

Council Ceconello responded yes, because this has become such a hot issue and every time the tax collector is an issue it causes additional work for the council. She asked the question if we have a borough tax collector does that mean that we have to collect the county and the school taxes. To collect just the borough taxes would only be one time per year unlike the county and school taxes.

Robert Winston stated the borough would be entitled to earn fees if collecting taxes to offset having an employee performing that job.

Council Ceconello stated that since we have taken over the tax collection the borough has not made money.

Stephen Hughes asked why it costs the borough more money to collect taxes than an elected collector.

Council Ceconello stated in the past when the borough collected taxes money had to be paid to a deputy tax collector and she enhanced the finance director's salary because he became the tax collector. She would like to have a cost benefit analysis of the cost of the borough collecting taxes versus an elected tax collector.

Robert Winston noted it may be worth having the tax collector in house to have the peace of mind the taxes are collected properly.

Council Ceconello suggested having the tax collection fees set by the borough to cover the cost of in house tax collecting. She noted that next year the \$5.00 per capita tax will be eliminated and no longer a source of tax revenue.

Ken Womack asked if it costs the Borough less money to have the finance director be appointed as tax collector. Council Ceconello stated in the past the borough employee appointed to collect taxes received an additional \$750.00 per year. She does not recall presently that being implemented for the Finance Director who was appointed tax collector this year.

Robert Winston noted the tax collector elected this year would make approximately \$18,000 in revenue. He stated the borough presently pays an employee \$20,000 per year for 25 hours a week to record the taxes.

Council Ceconello noted that taxes collected by the borough do not get a full audit. It was suggested to consider requiring a formal audit in any new form of government proposed by the Commission.

Ken Womack asked the attendees how they think the present form of government is working.

Ken Gossert responded by asking what is drastically wrong with the present form of government.

Ken Womack responded the voters elected to have this commission looked into these issues and how they can be improved.

Ken Gossert feels the manager should not be in charge of the police department because of possible problems during contract negotiations between the Borough and the police department.

John Sacrison asked how you could you make certain the Mayor has experience in running a police department each time a new Mayor is elected. He asked if there is either a disadvantage or advantage to have the borough manager or the Mayor run the police department.

Blake Wilson stated a few Home Rule Charters write into their language that the Borough Manager has experience in running a police department.

Ken Gossert stated the Mayor is in charge of the police department, sets policies and has daily oversight of the department.

Ken Womack read from the description of the duties of the Mayor from the Borough code.The mayor shall direct the time, during which, the place where and the manor of which the chief of police and the police force perform the duties year round. The Mayor may delegate to the Chief of police or other officer, supervision over and instruction to subordinate officers in manor of performing the duties.....The Mayor may suspend an office until the next day of pay....

The commission agreed that the question that needs to be answered is how much authority the Mayor has over the police department. It was suggested to ask the Borough Solicitor for clarification.

Stephen Hughes asked if the police chief is more than an administrator and does he need a specific skills set. Also, could the lieutenants run the police department?

Ken Gossert stated the lieutenants could run the police department. He does not think the Borough Managers should run the police department.

Council Ceconello added the police chief should have a definite set of skills to run the police department.

Ken Womack then asked if the there should be a requirement for the Borough Manager and the Mayor to live in the Carlisle Borough.

Council Ceconello believes the Borough Manager and the Mayor are to be a face in the community and should live in the borough. They can develop a relationship with citizen when living in the borough. She does not think the police officers should not be required to live in the borough because of family safety.

The commission discussed the need to find the most effective way to reach out the community to educate them on the process being discussed. This is a subject they are working on.

Ken Gossert inquired if the commissions and the authorities would remain the same and could they be changed.

The commission responded more information is needed to clarify what the Council or a Home Rule Charter can change in regard to commissions and authorities in the Borough.

Ken Gossert asked if a Home Rule Charter can change taxes.

The Commission responded that in the event the Borough changes to a Home Rule Charter, taxes cannot be increased more than the cap set by the state. The Home Rule Charter cannot impose new taxes or change the state mandated taxes. The Commission can lower the tax percentage.

Blake Wilson stated that it is a perception of the people that taxes will be raised and the commission needs to decide how the commission can overcome that perception.

Councilor Ceconello and Mr. Gossert we thanked for participating in the meeting and then excused themselves from the remainder of the meeting.

Old Business:

- A. The following Home Rule Charter reports were presented. Full reports are attached to minutes.
 1. Blake Wilson – Monroeville Report and *Home Rule Charter
 2. John Sacrison – Norristown
 3. Bob Winston – Kingston
 4. Stephen Hughes – Whitehall
- B. Ken Womack provided an update on the scheduled person to speak at future meetings.
- C. The commission will review issues for consideration and present at the next meeting.
- D. The commission will hold a public meeting at the Bosler Memorial Library on October 15, 2013 at 7PM. An electronic newsletter was discussed and how to distribute to churches, neighborhood and citizen groups.

Meeting was adjourned at 9:40 PM.

Respectfully submitted,

Joyce Stone, Borough Secretary

Report on Monroeville Home Rule Charter

Blake Wilson (submitted: Sept. 16, 2013)

Like Murrysville, Monroeville is on the suburban edge of Allegheny County and Pittsburgh, and in the decades prior to adopting home rule in the 1970s underwent a rapid population growth, as well as transformation from a rural township (Patton Township) to a suburban borough, officially incorporated as Monroeville in 1951. At the time Monroeville adopted its charter, in a primary election on May 21, 1974, the population was 32,000; currently that figure is closer to 30,000. Unlike Murrysville, Monroeville was governed by PA borough code for over 20 years before deciding in April 1973, after four months of deliberation and public hearings, to draft a home rule charter.

According to their commission's report, the **reasons for deciding to pursue a home rule** charter were:

1. The PA borough code, designed to suit all boroughs regardless of size or needs, was "overly detailed, difficult, unnecessary, and unclear."
2. The optional plans were too limited in the alternatives they offered.
3. Home Rule would permit local elected officials "to be responsive directly to the needs of the residents."
4. A Home Rule charter "can give the residents, with few limitations, full responsibility for governing themselves."

When the Monroeville charter was drafted and proposed, the stated **objectives** of the commission were:

1. To provide for "separation of administration from legislative powers so as to establish clear lines of authority.
2. To make council "responsive to both short-term needs and long-term, community-wide goals and perspectives."
3. To foster more effective community leadership by conflating the positions of mayor and council president, and thus eliminating the dual leadership.
4. To "create and maintain a work environment for public employees that will attract competent personnel" and require them to work efficiently and effectively.
5. To make transparent to the public the municipality's fiscal decisions, and foster a government more responsive to citizen complaints and requests for information.

Process: this is described only briefly in the Monroeville report (which is almost as brief as Carlisle's 1992 report). The commission consulted public officials, local government experts, and citizens, during the course of over 100 meetings, 5000 hours of formal hearings and deliberations, and countless hours of individual study and research. The Monroeville commission made its decision to draft a home rule charter after only 4 months of deliberations and public hearings.

Form of Government: Monroeville chose a variant of the Council-Manager plan, whereby the mayor is head of the council and presides over all deliberations of the council (without vote, but with veto and tie-breaking power). However, the mayor is not appointed from within the council as the 1992 Carlisle charter proposed, but elected at large and serves as council president.

General: The mayor is elected at large, but serves as head of council without vote (but with veto and tie-breaking power). The seven-member council is elected by ward, one for each of seven wards. The manager serves as chief administrator, and is appointed by council. The police and municipal attorney were made departmental functions. All members of the police force are appointed and administered by the manager, though the police chief is appointed by the manager with the advice and consent of the council. Elected auditor positions were eliminated in favor of professional appointed auditors, but the position of an elected tax collector serving four-year terms was retained (with the option to eliminate its elected status--see below).

A. Mayor: the mayor is elected at large as the presiding officer of the council, and has a full voice in all matters before council. Term of service is four years, and is limited to two consecutive terms. The mayor is official head of the municipality for all ceremonial purposes; s/he "studies the operations of municipal government" and reports periodically to the council on the state of the municipality, prepares an annual report to the citizens on the "State of the Municipality," and may appoint and dissolve ad hoc committees of interested citizens to assist the mayor on matters pertaining to that office. The mayor has no vote in council meetings (though s/he does have veto and tie-breaking power), but is voting member of all council committees.

B. Council: is comprised of seven members elected by ward, one for each of seven wards. Individual members have no authority except that specifically delegated by the charter or by the council acting as a body. Council members are elected by ward to four-year terms (in staggered municipal elections), and are limited to two consecutive four-year terms. Serving more than two years of an unexpired term counts as a full term. Council is required to schedule a monthly meeting "solely to provide an opportunity for interested citizens to address council on matters of general or special concern", and official minutes of these meetings must be kept.

D. Manager: the municipal manager is appointed by council to an indefinite term, and solely on the basis of executive and administrative qualifications. The manager is the chief administrative officer of the municipality, with responsibility for personnel and budget, enforcement of all laws and ordinances, collection of taxes not collected by the tax collector, and direct supervision (including power to appoint heads) of the "administrative units," including police and fire. Council and mayor must deal with issues of administrative service solely through the manager; they are specifically prohibited from giving "orders to any subordinate of the Manager either publicly or privately." The municipal manager is responsible to the council.

E. Taxation:

1. Tax Limits: the Monroeville charter addresses neither the issue of maximum tax rates nor limits on annual tax rate increases.

2. Tax Collector: the Monroeville charters provides for the position of an elected tax collector, but also includes a provision (51.12-1203) for elimination of the position, with the stipulation that the municipality must opt for one of three alternative methods of tax collection by:

- a. A municipal department or bureau
- b. Another governmental unit
- c. Under agreement with one or more other Municipalities, political subdivisions, school districts or governmental units.

F. Police Department: the police force was brought under the administration of the municipal manager, who appoints them from a list of "eligibles." The Police Chief is appointed by the manager with the consent of the council, but (here the charter is a little unclear) is called the "Administrative Head of the Police Force", who may *not* be "a member of the Career Service."

*Complete Home Rule Charter found below on website

G. Citizen Access:

1. Council meetings: Council is required to schedule a monthly meeting "solely to provide an opportunity for interested citizens to address council on matters of general or special concern", and official minutes of these meetings must be kept.

2. Initiative & referenda: "Electors of the Municipality shall have the authority to initiate action of the municipal government by petition." This section of the Monroeville charter (Article XX), was amended four times in a special election on May 17, 1983, adding:

- a. the authority of the electors of the municipality to initiate action of municipal government by referendum
- b. an increase in the percentage of petition signatures required to 15% at-large or 10% from each ward (up from 10%/5%)
- c. the filing of petitions to the County Board of Elections in a timely manner
- d. Council's duty to act upon the results of the referendum "notwithstanding any provision to the contrary in this charter."

H. Term Limits: all elected officials are elected to four-year terms, and may not serve in excess of two consecutive terms.

Note: to date (9/16/13) I have received no answers to repeated email inquiries and questions directed to the Monroeville manager. I will follow up on this with phone calls, and will forward to fellow Carlisle commissioners any useful results of this as an addendum.

**MUNICIPALITY of NORRISTOWN,
Montgomery County, Pennsylvania
EXECUTIVE SUMMARY**

The Municipality of Norristown began the Home Rule investigative process prior to 1984 and adopted enabling legislation in 1986. The following information is derived from public and open-source documents and sources, including the Pennsylvania *Gazetteer*, Commonwealth of Pennsylvania records and statutes, the Norristown Home Rule Commission Report and Charters, lists of significant amendments thereto; and an extended telephone conversation with Mr. Paul C. Van Grossi, Esquire, who was the Borough of Norristown Solicitor at the time of the original study. Mr. Van Grossi was not a member of the Investigatory Commission although he was very active in the process.

Norristown was one of the largest communities under Pennsylvania's borough form of government. Currently the "Municipality of Norristown," it has operated under a Home Rule Charter, with a manager/council form of government and a seven-member municipal council, since 2004. The council has three at-large members and four members who are elected by districts. The original 1986 charter was registered with the Commonwealth of Pennsylvania for inclusion of Norristown in the Pennsylvania Code as a manager/council "municipality" with a "strong" elected mayor rather than as a "borough" at that time. The elective office of mayor was abolished in July 2004 after a public referendum amended the charter.

The initial study was undertaken to address the following issues, some of which were not included in the original statement of intent of the commission:

1. Lack of adequate local government control over borough affairs,
2. Inefficiencies in the borough governance and administrative structures,
3. Consolidation of multiple borough Administrative Departments into a smaller number,
4. The ability to set minimum requirements for, e.g., Tax Collector, and all other appointed positions of borough Executive and Administrative Staff,
5. More direct control over the Police Department by the borough,
6. Clearer and simpler chains of command and responsibility in borough administration,
7. Reduction of the interference in borough administration by the borough legislative council (see "Anecdotally," below),
8. The ability to put local initiatives and referenda on the ballot,
9. More transparent and locally responsive government,
10. Cost savings as a result of simplification and consolidation,
11. A change in the legal form of the local government from "borough" to "municipality" under commonwealth code.

The bulk of the changes and amendments to Norristown's Municipal Code since 1986 involves largely local laws, statutes and ordinances.

Anecdotally, the original Home Rule investigation may have been encouraged or initiated by an extremely strong mayor who wanted to broaden and consolidate his control over the Borough Council and the Borough Administrative Departments. This unofficial "policy" continued under at least one more mayor. It appears to have caused ongoing friction at the borough level to the extent that, in 2004, Norristown voted to abolish the office of Mayor.

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DESCRIPTION OF NORRISTOWN

Norristown is a suburban municipality supported by and supporting the City of Philadelphia. It lies six miles northwest of the city limits of Philadelphia proper and is bordered by King of Prussia, Plymouth Meeting, Blue Bell, East and West Norriton Townships, and the Schuylkill River. Norristown is 3.5 square miles in area and had a 2010 census population of 34,324. Its recent growth rate has been approximately 1%, although its current population is down from a maximum of over 38,000 in the early 1940s.

Norristown was once a retail center for the rural areas outside of Philadelphia. With the growth of suburban communities and large shopping malls including the King of Prussia Mall and the Plymouth Meeting Mall in the outlying townships, Norristown's retail sector steadily declined and eventually collapsed.

Today the city's economy relies on Montgomery County government jobs, the legal profession, and health care (Montgomery Hospital and Norristown State Hospital.) While the downtown

has suffered in recent years, the residential areas of Norristown remain largely well-maintained. Multi-family homes are more numerous than single family residences. The surrounding areas are a mix of urban and suburban businesses, high- and low-density suburban housing and rich agricultural land.

The city is a transit hub and the Norristown Transportation Center is the terminus of the Norristown High Speed rail line and a stop on the former Reading Railroad Norristown train to Center City Philadelphia. It lies at or near the junctions of several major East Coast and Mid-Atlantic highways including I-76, I-276, I-476, I-95/495 and US-1. Philadelphia International Airport and the Northeast Philadelphia Airport are within a 30 to 40-minute drive (20 road miles).

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ADDITIONAL POINTS

Administrative Powers: All powers or duties of the Municipality which are administrative in nature shall be exercised and performed by the Municipal Administrator or Manager or such other employee of the Municipality as the Council shall designate, except as otherwise specifically provided in the Charter.

Council Structure: Composition of Council.

The Council consists of seven members. Three members are known as "Council Members at Large" and are nominated and elected by the qualified voters of the Municipality at large. Four members are known as "District Council Members" and are nominated and elected by the qualified voters of their respective districts. Unless otherwise indicated in the Charter, Council Members at Large and District Council Members are individually or collectively called "Council Member" or "Council Members."

Council Term of Office:

No Council Member may be elected for more than two consecutive four-year terms and the balance of one unexpired term of a vacated Council seat. Thereafter, no such person may be elected or appointed to serve as Council Member for at least two years. [Cross References: This section cited in 346 Pa. Code § 41.3-310 (relating to filling vacancies); and 346 Pa. Code § 41.12-1203 (relating to council members).]

Council Powers: (Excerpt from the 2004 Code)

“ ...

§ 41.3-301. Council—legislative powers and duties.

A. All powers and duties of the Municipality, including those set forth in § 41.2-201 of this Charter and those in existence or hereafter conferred on the Municipality by the Constitution of Pennsylvania, or general law shall be exclusively vested in and exercised by Council except as otherwise provided in this Charter.

B. Council shall be the legislative body of the Municipality charged with the responsibility and duty to:

1. Establish the policies, goals and objectives for the legislative, executive, administrative and advisory functions of the Municipality; and
2. Make and adopt ordinances and resolutions consistent with the Constitution and laws of this commonwealth and this Charter, and to prescribe fines and penalties for the violation thereof;
3. To appoint and remove the Municipal Administrator, the Solicitor, the Director of Finance, the Municipal Engineer, the Director of Public Safety, the Director of Planning and Municipal Development, and the Director of Public Works, subject to the provisions of this Charter;
4. To appoint and dissolve, from time to time, voluntary committees of citizens of the Municipality;
5. To appoint all members of authorities, boards, commissions and agencies, if not otherwise required by this Charter or by general law;
6. To have all necessary incidental powers to perform and exercise any of the duties and functions as set forth in this Charter or lawfully delegated to the office by this Charter or by general law.

ADDITIONAL COMMENTS

Norristown appears to have experienced several of the same issues as Carlisle as drivers toward examining a Home Rule Charter. Mr. Van Grossi indicated that, while the initial impetus for the Norristown study was very likely political in nature, the advantages of periodically examining the local form of government turned out to be a positive action for all concerned. His suggestions to me included several ideas to engage the voters which parallel our own efforts, including publicizing meeting as much as possible, and engaging neighborhood and other local organizations. He strongly recommended that we push to have one or more of our public meetings at the library or other general community venue in order to put a friendlier face on our efforts.

He stated that the original attempt to simplify the operation of borough government and to make it more transparent largely failed in the first attempt. The net result was to strengthen to mayor's office and make citizen access more difficult. That was, of course, remedied in the 2004 election which removed the office of mayor entirely. Both the mayor and the councilors, as well as administrators and appointed executives in Norristown, also had problems when they tried to affect or interfere with the operations of the Police Department. The problem is that virtually no of the elected officials or appointed administrators know how to run a Police Department; but they still tried to influence day-to-day operations. His comment to me regarding the establishment of firm and strongly enforced intra-governmental communications protocols was very emphatic on this point.

Other comments touch on our own concerns: Coöperation and compromise are the keys to getting things done in local government, and any process must take into consideration that those implementing it will not be political "professionals." A good, strong, *auditable* financial process is critical including not just setting the budget, but an appropriate timeline for execution of each step as well. Mr. Van Grossi also suggested that a well-qualified, professional Borough Manager be selected, and then be made responsible for as much of the day-to-day administrative and operational borough functions as possible. The corollary here is that they must be empowered to act as they see fit, without informal or personal pressure from the council. He was very supportive of our efforts on behalf of the Borough and wished us luck in our deliberations.

Report on the Borough of Kingston

(Home Rule Charter approved in 1974)

(pop. 13,000)

Pre-charter had a weak Mayor-Council form of government

- 7 members of council + Mayor
No separation of powers – all executive, administrative, and legislative authority vested in Council
- Council names one member President, but s/he has no more power than other members, although “for all practical purposes [s/he], rather than the Mayor, is the chief executive officer of the municipality.”
- Mayor “largely a ceremonial officer with limited duties such as the right to veto and partial supervision over the police force.”

Pre-charter: no central authority; no system of checks and balances; inability to fix responsibility

Key attribute of home rule is flexibility:

“Accordingly, the Home Rule Charter which our commission has drafted leaves certain areas undefined and open to change when it is necessary. As one example of the flexibility provided by the Charter, the administrative structure of the government is not established in the Charter, although it does provide for an executive branch consisting of a strong elected mayor and an appointed municipal administrator. Rather, the Charter requires the Borough Council to adopt an Administrative Code that will have incorporated in it a description of the administrative structure of the municipality. In so doing, the Borough of Kingston can continually adjust itself to current times by abolishing departments and agencies if they should become unnecessary and by establishing new departments and agencies to meet new needs.”

Opt for elected Council (7), elected Mayor and appointed Municipal Administrator

- Council as legislative body enacting legislation, setting policy for the municipal government, and adopting an annual budget
- Mayor = Chief Executive responsible for day-to-day administration of all municipal departments
- Mayor appoints Municipal Administrator with training and expertise who works with the Mayor on day-to-day administration
- Mayor appoints all department heads

“A desired consequence of this centralization is that government operations will become increasingly efficient.”

“By giving the Mayor more responsibility in the administration of the Borough’s affairs, it is hoped that qualified and competent citizens will seek to serve in this capacity. At the same time, by eliminating executive responsibility from Council, it is hoped that qualified and competent citizens, who cannot give full time to the Borough, will seek to serve in this capacity.”

Council elected for 4-year, staggered terms.

Mayor elected to 4-year term(s); can delegate hiring/firing of department heads to the municipal administrator; can’t serve simultaneously on Council

Municipal Administrator functions like a borough manager for all intents and Purposes

Initiative (proposed ordinance) – petition signed by 20% of number of total votes cast for Office of Mayor in the most recent election; majority vote to enact an ordinance

Referendum (undo an ordinance) – petition signed by 500 qualified electors and
Filed within 10 days of enactment of ordinance postpones effective date for 40 days; within the 40 days need petitions proposing referendum signed by 20% of voters in most recent Mayoral election to move forward

[Recall]

Administrative Code to be adopted; there are specific guidelines on purchasing; philosophical statements on conflict of interest, code of ethics, personnel, bonding.

Revisions to the original Charter: periodically parts of the Charter have been revised, primarily to include approval by majority of Council for appointing/terminating some key appointments (i.e. Municipal Administrator, legal advisor, finance secretary)

Double click on icon below to open Whitehall Charter document for viewing.



Whitehall-Charter.pdf