

CARLISLE

HOME RULE STUDY COMMISSION

FINAL REPORT AND

HOME RULE CHARTER

August 26, 1992

Home Rule Study Commission
Carlisle Municipal Building
53 W. South Street
Carlisle, PA 17013

August 26, 1992

Dear Fellow Citizens of Carlisle:

With this report we submit for your consideration a Home Rule Charter for Carlisle and recommend that you vote to approve it on November 3, 1992.

Carlisle is now larger than all but five of the nearly 1,000 boroughs in Pennsylvania and has outgrown many provisions of the state "Borough Code." We believe that the proposed charter offers three major advantages:

1. It will give us as a community more control over our own future by freeing our locally elected Council from much of the "one-size-fits-all" legislation enacted in Harrisburg.
2. It will streamline the administration of our government by eliminating elective offices whose functions can be better performed by professionals accountable to Council as a whole.
3. It will give Carlisle citizens powerful tools for greater participation in local government.

The proposed charter leaves many features of Carlisle's present government essentially unchanged. For example, Carlisle will continue to be governed by a seven-member Council whose members are elected at large. Administrative functions will continue to be performed by a professional municipal manager. Council will continue to select its own presiding officer who will, however, be known as "Mayor," rather than "President of Council." With respect to taxation, the charter leaves Council subject to exactly the same limits under which it now operates. Any changes in tax structure will require that a charter amendment be approved by the voters of Carlisle.

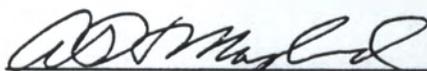
The most significant organizational change is that the Chief of Police will report to Council as a whole through the municipal manager as all other department heads do now, rather than serving under a single elected Mayor. This change is expected to reinforce police professionalism, provide for tighter budget controls, and remove the possibility that law enforcement priorities can ever be distorted by a conflict between the Mayor and Council. In effect, the elective office of

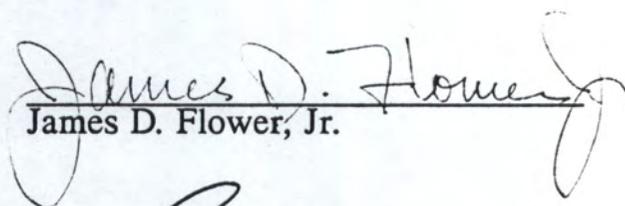
"Mayor" as it now exists would be abolished, as would be the now elective office of "Borough Tax Collector." In addition to saving money, these changes make the Council clearly accountable for all the functions these two officials now perform, reducing the ability of elected officials to blame others for unpopular policies or unsatisfactory results.

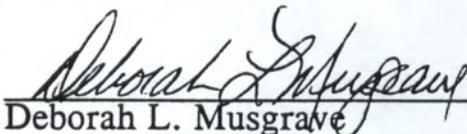
The proposed charter also gives Carlisle citizens new options for direct participation in government--the right to get new ordinances on the ballot, the right to repeal unpopular ordinances at the ballot box, and the right to vote irresponsible elected officials out of office, even in mid-term.

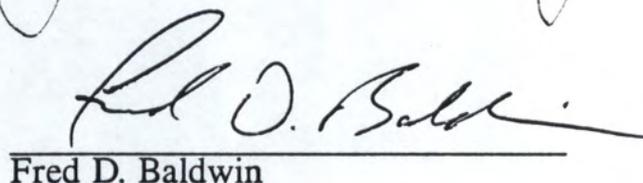
We offer sincere thanks to all those people, both public officials and concerned citizens, who advised us during our nearly 15 months of public meetings and hearings on this proposed charter. By voting "Yes" to Home Rule on November 3, you will be endorsing the efforts of many Carlisle residents who have demonstrated their commitment to the long-term good of our community and their faith in the capacity of all of us to govern ourselves responsibly.

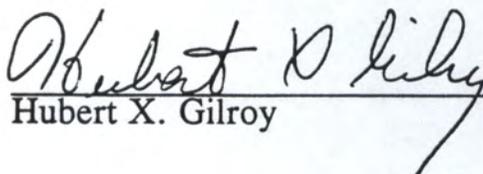
Respectfully submitted,

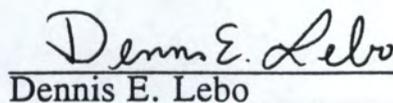

Albert H. Masland, Chairman

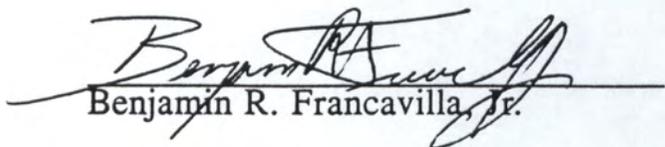

James D. Flower, Jr.


Deborah L. Musgrave


Fred D. Baldwin


Hubert X. Gilroy


Dennis E. Lebo


Benjamin R. Francavilla, Jr.

HOME RULE STUDY COMMISSION REPORT

LEGAL AUTHORITY FOR HOME RULE

Article IX, Section 2 of the "Pennsylvania Constitution" states that "municipalities shall have the right and power to frame and adopt home rule charters ..." This broad grant of authority was enacted into law by the General Assembly in 1972. The "Home Rule Charter and Optional Plans Law" (Act 62) establishes the procedures to be followed to draft, adopt, amend, and repeal a home rule charter. Act 62 specifically requires voter approval of the home rule charter, any subsequent charter amendments, or repeal of the charter.

HOW THIS CHARTER WAS DEVELOPED

During the 14 months from June 12, 1991, to August 26, 1992, the Commission held a total of 36 meetings and public hearings. All meetings were open to the public, and citizens attending all meetings were given an opportunity to speak, whether or not the meeting was designated a "public hearing."

The groundwork for the proposed Home Rule Charter for Carlisle was laid in January 1990, when the Carlisle Borough Council voted to appoint a committee to perform a preliminary study to determine whether home rule might offer enough advantages to Carlisle to justify creation of a formal Home Rule Study Commission. The members of that initial committee were: Chairman Gilmore B. Seavers, Robert A. Adams, Thomas E. Coolidge, Nancy George, and Pierson K. Miller. After a series of open meetings and public hearings, that committee, on June 13, 1990, voted 3-2 to recommend that Carlisle voters be given a chance to decide on the desirability of a thorough study and to select the individuals who would conduct that study.

On May 21, 1991, the voters authorized the creation of this Commission and elected seven (7) citizens to serve on the Carlisle Home Rule Study Commission. At the organizational meeting of the Carlisle Home Rule Study Commission on June 12, 1991, the Commission members were sworn and the following officers were elected:

Albert H. Masland	Chairman
James D. Flower, Jr.	Vice-Chairman
Deborah L. Musgrave	Treasurer
Fred D. Baldwin	Member
Hubert X. Gilroy	Member
Dennis E. Lebo	Member
Kirk R. Wilson	Member

On June 12, 1991, Kirk R. Wilson resigned from the Commission, and Benjamin Francavilla, Jr. was appointed to fill the vacancy. Donald E. Grell, II was designated by the Commission as an alternate and was given the full right of participation in Commission functions, except the right to vote.

Upon its organization, the Commission decided to divide its study into three parts: a review of borough government, including but not limited to Carlisle; a review of home rule municipalities; and, if so voted by the Commission, the drafting of a home rule charter.

REVIEW OF BOROUGH GOVERNMENT

The Commission's first step was a review of borough government in Pennsylvania under the "Borough Code." Members reviewed informative publications from the Pennsylvania Department of Community Affairs. However, most of this effort was directed toward the borough government in Carlisle. Commission meetings in this phase included testimony from the mayor, many present and former members of borough council, and the borough manager. In an additional attempt to obtain comments from individuals who were unable to attend a Commission meeting, a questionnaire was developed and sent to present and former elected officials.

REVIEW OF HOME RULE IN PENNSYLVANIA

The next part of the Commission's work was to review the "home rule experience" in other Pennsylvania municipalities. Representatives of six home rule municipalities participated in Commission meetings. These local officials presented testimony on the home rule process, the form of government selected, and the operation of their government since the enactment of their charter. They also provided copies of home rule documents and, most importantly, answered dozens of questions. Several communities who could not attend our meetings submitted their charters for our review.

Numerous communities where home rule was defeated were invited. However, only representatives of one were able to attend. Here again, the Commission members asked numerous questions to fill in the details of why the charter was rejected by the voters.

DRAFTING A HOME RULE CHARTER

On February 12, 1992, after receiving months of testimony, the Commission unanimously voted to draft a home rule charter. The drafting process was long, tedious, and unexciting. The Commission reviewed drafts and excerpts from dozens of home rule charters. Numerous discussions were held on the form of government, the powers and duties of elected officers, citizens' rights of initiative, referendum, and recall, etc.

A concerted effort was made to obtain input from the citizens of Carlisle. An advisory group was created to provide comments on respective drafts of the charter, and two public hearings were held to receive comments from the public. In addition to drafting a charter, the Commission prepared a final report and a brochure to better inform the citizens.

RECOMMENDATIONS

The Commission unanimously recommends that Carlisle voters at the November 3, 1992, general election approve the Home Rule Charter for Carlisle appended to this report. The following question shall appear on the ballot:

"Shall the Home Rule Charter contained in the report, dated August 26, 1992, of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Borough of Carlisle?"	YES _____
	NO _____

If approved, the Charter would become effective January 1, 1994.

ACKNOWLEDGEMENTS

This home rule charter and report would not have been possible without the help of a great many people. We deeply appreciate the high degree of cooperation we received from the elected officials, staff, and other employees of the Borough of Carlisle. Finally, this report would not have been possible without the hard work and professionalism of our two secretaries, Cindy L. Foster and Judith P. Swaney.

TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE	1
ARTICLE I, GENERAL PROVISIONS	
101. Name	1
102. Boundaries	1
103. Powers	1
104. Residual Powers in Council	1
105. Construction	2
106. Definitions	2
107. Guarantees of Nondiscrimination	2
108. Eminent Domain	2
109. Authorities	2
110. Tax Limitation	3
111. Severability	3
112. Amendment or Repeal	3
ARTICLE II, ELECTED OFFICIALS	
201. Council	3
202. Only Elected Officials	3
203. Oath of Office	3
204. Organization of Council	4
205. Mayor	4
206. Salary of Council	4
207. Vacancies on Council	4
208. Forfeiture of Office	4
ARTICLE III, MANAGER	
301. Manager	5
302. Acting Manager	6
303. Noninterference	6
ARTICLE IV, PERSONNEL	
401. General Code Provision	6
402. Civil Service Commission	6
403. Pension	7
ARTICLE V, FINANCE	
501. Fiscal Year	7
502. Submission of Budget and Budget Message	7
503. Budget Message	7
504. Budget Document	8
505. Capital Program	8

506.	Notice and Hearing	8
507.	Council Action on the Budget	8
508.	Public Records	8
509.	Supplemental Appropriations	9
510.	Emergency Appropriations	9
511.	Reduction in Appropriations	9
512.	Transfer of Appropriations	9
513.	Limitations, Effective Date	9
514.	Lapse of Appropriations	9
515.	Independent Audit	10
516.	Contracts	10

ARTICLE VI, ENACTMENT OF ORDINANCES

601.	Actions Requiring Ordinances	10
602.	Procedure for Enactment	11
603.	General Ordinance Requirements	11
604.	Ordinances Requiring Prior Public Notice	11
605.	Emergency Ordinances	12
606.	Penalty	12

ARTICLE VII, CITIZEN PARTICIPATION

701.	Citizen Participation	12
702.	Initiative	12
703.	Referendum	13
704.	Recall	13
705.	Limitations on Initiative and Referendum	13
706.	Petitioner's Committee - Affidavit	13
707.	Petition	13
708.	Procedures for Initiative and Referendum	14
709.	Action on Petition	14
710.	Election Results	15
711.	Procedures for Recall	15
712.	Notice to Incumbent	16
713.	Recall Elections	16
714.	Limitations	16
715.	Reappointment	16

ARTICLE VIII, TRANSITION

801.	Rights, Property, Franchises, Liabilities, and Obligations of the Municipality	17
802.	Effective Date of Charter	17
803.	Elected Officers	17
804.	Members of Authorities, Boards, and Commissions	17
805.	Appointed Administrative Officers and Employees	18
806.	Prior Legislative Acts	18

CARLISLE HOME RULE CHARTER

PREAMBLE

We, the people of Carlisle, under authority granted the citizens of the Commonwealth of Pennsylvania to adopt home rule charters, and thus to exercise to the fullest extent our rights of local self-government, do hereby adopt this Home Rule Charter. We do this in order to establish a government that will be responsive to the needs of the people of Carlisle, and accountable to them, both now and in the future.

ARTICLE I General Provisions

§ 101. Name

The name of the former Borough of Carlisle shall be the Home Rule Municipality of Carlisle, and shall henceforth be referred to in this Charter interchangeably as "Carlisle" or "the Municipality."

§ 102. Boundaries

The boundaries of the Municipality shall be the boundaries of the Borough of Carlisle at the time this Charter takes effect and as they may be lawfully changed thereafter.

§ 103. Powers

The Municipality has, and may exercise, any power, and may perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by the General Assembly, or by this Charter at any time.

§ 104. Residual Powers in Council

All powers of the Municipality, including any such power which may hereafter be conferred on the Municipality by amendment of the Constitution of the United States, or of the Constitution of Pennsylvania, or of this Charter, or by act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the Council. Council shall be elected, shall organize, and shall function as provided in this Charter.

§ 105. Construction

The powers of the Municipality under this Charter shall be construed broadly in favor of the Municipality, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the Municipality, except as limited in § 103 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the Municipality or may hereafter become available.

§ 106. Definitions

The following words, when used in this Charter, shall have the following meanings:

1. "Charter" shall mean the Home Rule Charter adopted by the voters of the Home Rule Municipality of Carlisle.
2. "Municipality" shall mean the Home Rule Municipality of Carlisle.
3. "Council" shall mean the governing body of the Municipality.
4. "Elector" shall mean any person within the Municipality who has legally registered to vote.
5. "Voter" shall mean any person who votes.

§ 107. Guarantees of Nondiscrimination

The Municipality shall not deny to any person the enjoyment of any civil right, or discriminate against any person because of race, color, religious belief, ancestry, gender, or national origin.

§ 108. Eminent Domain

The Municipality is hereby authorized and empowered to enter upon, appropriate, take, use, occupy, injure, or destroy private lands, property, or material, wherever situate, for any legal and valid municipal purpose. All such action shall be provided for by ordinance, and just compensation shall be made and secured as provided by general law. The Municipality shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

§ 109. Authorities

The Municipality reserves the right to create by ordinance any municipal or any other governmental authority that may be created by a borough in the Commonwealth of Pennsylvania.

§ 110. Tax Limitation

Carlisle shall have the same power to levy and collect taxes as a borough has, or shall in the future have, under the Borough Code, the Local Tax Enabling Act, or under any existing or future act enabling a borough to levy taxes.

§ 111. Severability

If this Charter cannot take effect in its entirety, because of the judgment of any court of competent jurisdiction holding invalid any part or parts hereof, the remaining provisions of the Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

§ 112. Amendment or Repeal

This Charter may only be amended or repealed by a majority vote of the electors of the Municipality after satisfaction of such additional requirements imposed by state law.

**ARTICLE II
Elected Officials**

§ 201. Council

Carlisle shall be governed by a seven-member Council, elected at large to staggered four-year terms, all of whom shall be residents of Carlisle and registered voters.

§ 202. Only Elected Officials

The members of Council shall be the only elected officials of Carlisle, unless other elected officials are mandated by state law.

§ 203. Oath of Office

The members of Council, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania, and no person shall be permitted to assume such office until the oath, in written form, is filed with the Municipality.

§ 204. Organization of Council

The Council shall organize on the first Monday of January of each even-numbered year. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Council may transact any further business it deems necessary or appropriate at the organizational meeting.

§ 205. Mayor

During the organizational meeting of Council, as defined in § 204, the members of Council shall, by majority vote, elect one of their number to preside over Council and sign all ordinances. This individual, to be accorded the title of Mayor, shall be the ceremonial head and official representative of the Municipality, shall have the right to declare public emergencies in accordance with § 605, and shall have such other rights and duties as provided by law, this Charter, or ordinance. Otherwise, the Mayor shall have powers and duties identical to those of other members of Council, and the Mayor may designate any member of Council to act in his or her stead for all purposes other than voting. If the office of Mayor becomes vacant during the Mayor's term, Council shall elect a new Mayor from among their number to complete the unexpired term.

§ 206. Salary of Council

The salary of the members of Council shall be set by Council, but shall not exceed the maximum salaries permitted by the Borough Code for such public officials in boroughs. Council members shall receive no other compensation, direct or indirect, for the performance of their duties, and shall not be eligible for pensions or fringe benefits generally available to Municipal employees, although they shall be entitled to reimbursement for expenses actually incurred in the performance of their duties.

§ 207. Vacancies on Council

If a vacancy shall occur in the office of Council member for any reason, the remaining members of Council shall fill such vacancy until the next municipal election, at which time there shall be an election to fill the unexpired term or the new four-year term, as the case may be. If Council shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Council or of any five (5) citizens of Carlisle, fill the vacancy until the next municipal election, at which time there shall be an election to fill the unexpired term or for a new four-year term.

§ 208. Forfeiture of Office.

A member of Council shall forfeit office if that member:

1. Has been convicted of a felony;
2. Fails to attend three consecutive meetings of Council, unless detained by sickness or prevented by necessary absence from the Municipality;

3. Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully by an elected public official; or
4. Commits misfeasance in office, which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elected public official.

For a member of Council to be deemed to have committed misfeasance or malfeasance, it shall be necessary for that individual to have been convicted, or to have pled no contest to, a crime constituting malfeasance or misfeasance. Forfeiture of the office shall be declared by Council, with right of appeal as provided for by law.

ARTICLE III Manager

§ 301. Manager

Council shall appoint a Manager, who may not be a member of Council, and who shall become a resident of Carlisle. The appointment or dismissal of the Manager shall be by vote of at least four members of Council and dismissal need not be for cause. The Manager shall be the chief administrative officer of Carlisle and shall be responsible to Council for the administration of all municipal affairs placed in the Manager's charge. The Manager shall not hold any elective governmental office. The Manager shall be bonded as provided by Council and be responsible for the following specific duties:

1. For all personnel matters, including hiring, suspending, or removing any municipal employee, subject to any rights such employee may have under state law, this Charter, or personnel rules adopted pursuant to this Charter;
2. For the submission of a budget and capital program to Council, for the administration of the budget and capital program, for the collection of all taxes subject to Council's approval of the means of tax collection, and other municipal revenues, and for the supervision of all municipal expenditures;
3. For the enforcement of the ordinances and regulations of Carlisle;
4. To direct and supervise the administration of all departments, offices and agencies of Carlisle, except as otherwise provided by this Charter or law, and to make recommendations to Council concerning the affairs of Carlisle;
5. To make such other reports as Council may require concerning the operation of the municipal departments, offices and agencies subject to the Manager's direction and supervision;

6. To act as Secretary of the Municipality, or designate another to serve as Secretary, and preserve municipal records, certify their accuracy and completeness as necessary, attest the execution of all municipal documents, and record all ordinances.
7. To prepare in consultation with the Mayor the agenda for each Council meeting.
8. To perform such other duties as may be determined by Council and set forth in the Administrative Code.

§ 302. Acting Manager

At such time as the Manager may be unable to perform the duties of that office, whether because of absence or disability, the Manager may delegate such authority to another municipal employee, subject to Council approval, and subject to Council's power to revoke said delegation of authority, and to delegate it to another municipal employee.

§ 303. Noninterference

Except for the purpose of inquiry, Council and its members individually, shall deal with the administration of Carlisle solely through the Manager, and shall under no circumstances give orders to any subordinate of the Manager, whether directly or indirectly, and whether publicly or privately.

**ARTICLE IV
Personnel**

§ 401. General Code Provision

Council shall adopt, maintain in effect, and enforce a Personnel Code which shall include, but not be limited to, the employment, supervision, discipline, discharge, resignation, and other pertinent matters of employees of Carlisle. The Personnel Code shall be part of the Administrative Code and shall be adopted by ordinance. The Code shall provide a Merit System such that employees are employed, promoted, and compensated on the basis of their respective abilities, knowledge, skills, demonstrated performance, and potential for greater responsibility. The Personnel Code shall also establish a grievance procedure for employees of Carlisle.

§ 402. Civil Service Commission

Carlisle shall maintain a Civil Service Commission consistent with applicable provisions of the Borough Code of the Commonwealth of Pennsylvania, as amended

and supplemented from time to time, provided that its sole purpose shall be to review suspension, removal, or reduction in rank of police officers in Carlisle. Any Carlisle Police officer who is suspended, removed, or reduced in rank shall have one, and only one, of the three following options:

1. To request a hearing before the Civil Service Commission;
2. To file a grievance pursuant to the applicable Collective Bargaining Agreement;
3. To seek relief pursuant to the Personnel Code of Carlisle.

§ 403. Pension

Pension and retirement benefits for all municipal employees shall continue to be governed by relevant provisions of state law, as amended from time to time, as pertains to the pension and retirement rights of borough employees.

**ARTICLE V
Finances**

§ 501. Fiscal Year

The fiscal year of the Municipality shall commence on the first day of January and terminate on the last day of December. The fiscal year may be changed by ordinance, or shall be automatically changed when mandated by statute.

§ 502. Submission of Budget and Budget Message

On or before the thirtieth (30th) day prior to the end of the fiscal year, the Manager shall submit to the Council a budget and an accompanying message for the ensuing fiscal year.

§ 503. Budget Message

The budget message submitted by the Manager shall explain the budget both in fiscal terms and in terms of programs, policies, activities, and plans. It shall outline the proposed financial policies of the Municipality for the ensuing year; describe the important features of the budget; indicate any major changes in financial policies, expenditures and revenues from the current year, together with the reasons for such changes; summarize the Municipality's debt position and include such other material Council may request or as the Manager deems desirable.

§ 504. Budget Document

The budget document shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or as Council may require. The budget document shall provide that the budget submitted for each fund is balanced and that the total of proposed expenditures shall not exceed the total of the estimated revenue.

§ 505. Capital Program

The Manager shall prepare and include as a separate section in the annual budget submitted to Council a capital program of capital expenditures of a nonrecurring and long-range nature, as the Manager shall deem desirable or as Council may require.

§ 506. Notice and Hearing

Council shall publish in one or more newspapers of general circulation in the Municipality the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public.
2. The time and place, not less than ten (10) days after such publication, for a public hearing on the budget.

§ 507. Council Action on the Budget

1. Following the public hearing, Council may adopt the budget with or without amendment, provided that the budget is balanced.
2. Council shall adopt the budget by resolution on or before the last day of the fiscal year currently ending.
3. Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated.

§ 508. Public Records

Copies of the budget, as adopted, and of the capital program plan shall be public record and shall be made available to the public at suitable places in the Municipality as determined by Council.

§ 509. Supplemental Appropriations

If, during the fiscal year, there is evidence of a need for a supplemental appropriation, Council may, by resolution, make such appropriations in an amount not to exceed available unencumbered revenue in excess of that estimated budget.

§ 510. Emergency Appropriations

To meet a public emergency affecting life, health, property, or the public peace, Council may, during the year, by ordinance, make emergency appropriations. To the extent that there is not available unencumbered or unappropriated revenue to meet such emergency appropriations, Council may, by ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but such notes and renewals of any fiscal year shall be repaid not later than the last day of the fiscal year next succeeding that in which the emergency appropriations were made.

§ 511. Reduction in Appropriations

If, at any time during the fiscal year, it appears the revenue available will be insufficient to meet the amounts appropriated, Council shall take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may, by resolution, reduce or eliminate one or more appropriations.

§ 512. Transfer of Appropriations

At any time during the fiscal year the Manager may transfer part or all of any unencumbered balance appropriated for programs within a department, office, agency, or other organizational level; and Council may, at any time during the fiscal year, by resolution, transfer part or all of any unencumbered balance appropriated to a department, office, agency, or other organizational level to another.

§ 513. Limitations, Effective Date

No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

§ 514. Lapse of Appropriations

Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered and thereby shall be reflected in the cash balance estimated to be available at the commencement of the ensuing fiscal year.

§ 515. Independent Audit

Council shall provide for an independent annual audit of all municipal funds by a professional accountant or qualified outside auditor who has no personal interest, direct or indirect, in the fiscal affairs of the municipal government or any of its elected or appointed officials. Council may provide for more frequent audits, as well as special audits, as it deems necessary. The auditor's report, together with the auditor's recommendations of the annual audit, and a complete financial statement of the fiscal affairs of the Municipality shall be presented to Council no later than the last day of the fourth month following the fiscal year being audited. A summary of the financial statement and auditor's recommendations of the general audit shall be published in at least one newspaper of general circulation in the Municipality following receipt of the auditor's report by Council.

§ 516. Contracts

Council shall establish by ordinance the procedures and authority for the execution of contracts by the Municipality. This ordinance shall be a Purchasing Code which shall be a distinct section of the Administrative Code. All contracts for supplies, material, labor, services, or other valuable consideration shall be in accordance with this Purchasing Code.

**ARTICLE VI
Enactment of Ordinances**

§ 601. Actions Requiring Ordinances

In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of Council shall be by ordinance which:

1. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
2. Establish and levy taxes, and decrease or increase the rates of existing taxes, subject to the limitations of § 110.
3. Grant, renew, or extend a franchise.
4. Establish, alter, or abolish rates charged for any utility or other service supplied by the Municipality.
5. Authorize the borrowing of money except for revenue anticipation.
6. Purchase, convey, lease, or authorize the purchase, conveyance, or lease of real property.

7. Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.
8. Create any commission, committee, board, authority, or any other similar agency.
9. Establish, alter, or amend any zoning, subdivision, land development, land use, or building ordinance or regulation.

§ 602. Procedure for Enactment

Any proposed ordinance shall be advertised prior to enactment in a newspaper of general circulation, and the advertisement shall contain a concise summary of the contents of the proposed ordinance, sufficiently complete to inform the public of its contents, and shall be advertised sufficiently prior to the Council meeting to allow for public comment. If Council makes substantive changes to a proposed ordinance, it shall be readvertised with the changes prior to enactment.

§ 603. General Ordinance Requirements

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the Secretary, who shall affix the official seal of the Municipality to the original copy of each ordinance. The verification shall be considered the action of Council in accordance with the Charter. The effective date of the ordinance shall be the date of its passage unless a later date is specified in the ordinance or required by law.

§ 604. Ordinances Requiring prior Public Notice

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least ten (10) days' prior public notice of said hearing thereof published in a newspaper of general circulation:

1. Zoning ordinance and amendments thereto.
2. Adoption of the zoning map and amendments thereto.
3. Subdivision regulations.
4. Land development and land use regulations.
5. New taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the reenactment of taxes levied annually at the same rate.
6. Budget.

§ 605. Emergency Ordinances

Notwithstanding the provisions of this Article, Council may, in the event of a substantial public emergency affecting the life, health, property, and peace of the citizens of Carlisle, adopt one or more emergency ordinances, but such ordinances shall not levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter. An emergency ordinance shall be so designated and shall clearly state the nature of the emergency in specific terms. No prior publication of an emergency ordinance shall be required, and Council may adopt an emergency ordinance at any regular or special public meeting in which it is introduced. An emergency ordinance shall become effective immediately, shall automatically stand repealed as of the thirty-first day following the date of its adoption, but may be reenacted as provided therein if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adopting of emergency ordinances. An emergency ordinance shall be advertised as soon as possible after the date at which it is enacted, as shall any ordinance repealing an emergency ordinance. Council may by ordinance empower the Mayor to declare a state of emergency and exercise such powers as stated in the ordinance.

§ 606. Penalty

The penalty for the violation of any ordinance shall not exceed the maximum penalty that may be levied by any non-charter municipality in the Commonwealth of Pennsylvania. However, any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and be punishable as such.

ARTICLE VII Citizen Participation

§ 701. Citizen Participation

Reasonable opportunity will be provided for the public to be heard at all public meetings and for the public to receive in a timely manner, by mail or otherwise, copies of public notices and advertisements, meeting agendas, meeting minutes, and other public records. Council shall establish procedures for public input at meetings, and Council shall establish procedures and charges for providing documentation to any requesting member of the public prior to or after public meetings.

§ 702. Initiative

All electors of Carlisle shall have the power to propose ordinances to the Council in accordance with the provisions of this Charter. If the Council fails to adopt said ordinances without change in substance, the electors shall have the right to adopt or reject these ordinances at any election.

§ 703. Referendum

All electors of Carlisle shall have the power to require repeal by Council of any ordinance. If Council fails to repeal said ordinance, the electors shall have the right to repeal it at any election.

§ 704. Recall

Any person holding an elective office, whether by election, succession, or appointment to fill a vacancy, shall be subject to removal from office at a recall election in accordance with the provisions outlined in this Charter.

§ 705. Limitations on Initiative and Referendum

1. The power of initiative and referendum shall not extend to salaries of Carlisle employees or nonelected officials, to the terms of collective bargaining agreements, or to issues precluded by the Municipalities Planning Code or other state law.
2. No initiative or referendum that would affect the revenues or expenditures of the Municipality shall be required, at Council's option, to take effect until the succeeding fiscal year.
3. Any initiative or referendum that opposes or proposes changes in a municipal project which involves the issuance of bonds shall be void unless filed with the Manager within sixty (60) days of approval by Council of the annual budget, if the budget contains such a project, or within sixty (60) days of the approval by Council of any budget amendment which contains such a project.

§ 706. Petitioner's Committee - Affidavit

Any five (5) electors of Carlisle may commence initiative or referendum by filing with the Manager an affidavit outlining committee membership, committee addresses, and the full text of the proposed new ordinance or the ordinance to be reconsidered. The Manager shall promptly issue the proper petition forms to the committee.

§ 707. Petition

1. All initiative and referendum petitions shall be signed by electors in a number at least equal to ten percent (10%) of the electors at the last Carlisle election.
2. The petition form and content shall be uniform and suitable for filing.
3. Each signature shall be in ink and shall be accompanied by the signer's occupation, address, and date.

4. The petition shall contain the full text of the proposed ordinance or the ordinance to be reconsidered.
5. On the back of each page of the petition there shall be an attached affidavit executed by the circulator verifying the authenticity of the signers.
6. Signatures dated more than ninety (90) days prior to submission to the Manager shall be invalid.

§ 708. Procedures for Initiative and Referendum

1. The Manager's office shall verify the accuracy and sufficiency of the petition as set forth in § 707 within thirty (30) days after filing, specifying anything improper, and returning a copy of the certificate to the petition committee for corrective action. The petitioner shall file for a supplementary petition within two (2) days of the receipt of the certificate and return the completed supplementary petition to the Manager's office within ten (10) days. If within five (5) days of the receipt of the supplementary petition, the amended petition is improper or insufficient, the petitioner's committee shall file for an additional supplementary petition or request Council review. If neither action is taken within ten (10) days, the Manager's office shall file the certificate with the Council and the certificate shall constitute the final determination as to the sufficiency of the petition.
2. If the petition is certified insufficient and the petitioner does not file for amendment, or if the amended petition is judged insufficient, the petition committee may, within two (2) days after receiving the certificate, file a request with the Council for review. The Council shall review the certificate at its next meeting or within 30 days, whichever comes first, and rule on the sufficiency. Council ruling will then constitute the final determination as to the sufficiency of the petition pending court review.

§ 709. Action on Petition

1. When the initiative or referendum petition has been judged sufficient, the Council shall promptly consider the proposed initiative ordinance for adoption or reconsider the referred ordinance by repealing it. If the Council fails to adopt the initiative ordinance within sixty (60) days, or to repeal the referred ordinance within thirty (30) days after the date the petition was judged sufficient, it shall submit the proposed or referred ordinance to the voters of Carlisle.
2. The vote on the proposed or referred ordinance shall be held at the next following primary, municipal, or general election occurring not less than sixty (60) days, nor more than eight (8) months, from the date of the final Council action.

§ 710. Election Results

1. Initiative

If a majority of the voters favors the proposed initiative ordinance, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the larger number of affirmative votes shall prevail to the extent of the conflict.

2. Referendum

If a majority of the voters rejects a referred ordinance, it shall be considered repealed upon certification of the election results.

3. No Repeal Within Two Years

Any ordinance so proposed by petition, whether passed by Council or adopted by a vote of the electors, cannot be repealed or amended within two (2) years of its effective date except by a vote of the electors. Any ordinance repealed by Petition cannot be reenacted by Council for a two-year period.

4. Number of Proposed Ordinances to Be Submitted

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this Charter.

§ 711. Procedures for Recall

1. The recall of an incumbent of an elective office shall be initiated by a petition issued by the Manager and signed by thirty percent (30%) of the electors as determined by the number of electors who were registered at the most recent general election.
2. The recall petition must name both the office and official against whom it is directed.
3. Each elector signing the recall petition must, in addition to his legible signature, include his occupation, address, and date of signing.
4. Signatures may be on separate sheets, but the form and content must be uniform and suitable for filing.
5. On the back of each sheet an affidavit must be included by the circulator verifying the authenticity of the signers, their awareness of the contents of the petition, and the correctness of the other information.
6. The recall petition shall be submitted to the Board of Elections.
7. Signatures and dates more than ninety (90) days prior to submission to the Board of Elections shall be invalid.

8. Upon receipt by the Board of Elections, the petition shall be made available for public inspection.
9. The Board of Elections shall pass on the validity of the petition. The decision of the election board shall be subject to review upon appeal to the Court of Common Pleas. Any such appeal must be filed within ten (10) days after the decision of the Board of Election.

§ 712. Notice to Incumbent

Upon verifying the validity and sufficiency of the petition, the county Board of Elections shall notify the incumbent named of this fact within ten (10) days. Upon receipt of such notice, the incumbent may resign, thereby terminating the recall proceedings.

§ 713. Recall Elections

Within ten (10) days after the incumbent receives notice of the filing of the petition, a recall election shall be arranged. If a regular election is to occur not less than thirty (30) days or more than ninety (90) days after the ten-day grace period, the recall question shall be placed before the electors at this time. Otherwise, a special recall election shall be arranged by the county Board of Elections not earlier than thirty (30) days or more than ninety (90) days following the ten-day grace period. The question presented to the voters at a recall election shall read as follows:

"Shall (name of incumbent) be removed from the office of (name of office)?"

Proper provision shall be made for the elector to vote "yes" or "no" on the question. If a majority of voters at a recall election vote "yes," the incumbent shall be removed from office. If a majority vote "no," the incumbent shall remain in office. If the result is in the affirmative, the official date of removal and vacancy shall correspond to the date of the certification of the election unless postponed by the court.

§ 714. Limitations

No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of his office or within nine months after an unsuccessful recall election against him. Any officer reelected to a successive term shall also not be subject to recall during the first year of such term.

§ 715. Reappointment

The officer who is recalled or resigns during a proceeding under this section may not be appointed to fill a vacancy in any elective office for a period of two (2) years.

ARTICLE VIII Transition

§ 801. Rights, Property, Franchises, Liabilities, and Obligations of the Municipality

The Municipality shall continue to own, possess, exercise, or control, all rights, property, and franchises of every kind or nature, owned, possessed, exercised, or controlled by it when this Charter shall take effect, under the same conditions that applied at such time, and shall be subject to all debts, obligations, and liabilities to which it was subject at such time as this Charter shall take effect, under the same conditions that applied at such time.

§ 802. Effective Date of Charter

Upon approval by referendum in the manner provided by law, this Charter shall take effect the first day of January 1994.

§ 803. Elected Officers

1. Mayor and Tax Collector

There shall be no election of Mayor and Tax Collector in 1993.

2. Council

The four incumbent members of Council whose terms commenced in January 1992 shall continue to serve their full unexpired terms on Council after this Charter takes effect. Three Council members shall be elected to four-year terms commencing January 1994.

3. General

Officers of the Municipality elected by vote of the electors, or appointed to fill a vacancy in any such elected office, who shall have assumed office prior to January 1, 1994, shall hold such office until their respective terms shall expire, but their powers and duties, if any, shall be those prescribed in this Charter or those to be exercised pursuant to this Charter. Vacancies thereafter occurring in any office that is not provided for as an elective office by this Charter shall not be filled.

§ 804. Members of Authorities, Boards, and Commissions

Members of authorities, boards, and commissions in office at the time when this Charter takes effect shall remain in office for as long as their respective terms of

appointment shall continue, unless and until an authority, board, or commission shall be abolished, combined with another agency, or reconstituted, in which case the members thereof shall vacate their respective offices upon notice from Council to do so.

§ 805. Appointed Administrative Officers and Employees

Except as specifically provided by this Charter, at the time this Charter takes effect all Municipal administrative officers or employees holding any office or position which is or can be abolished by or under this Charter, shall continue in such office or position until the taking effect of abolition of such office or position.

§ 806. Prior Legislative Acts

All ordinances, resolutions, rules, and regulations of the Municipality of legislative nature, or portions thereof, in force when this Charter takes effect, and not in conflict herewith, shall remain and continue in force as if enacted under this Charter until they either expire by their own terms, or are amended or specifically repealed, either in whole or in part pursuant to this Charter.

FINANCIAL REPORT

1991-EXPENDITURES

CLERICAL ASSISTANCE	(Cindy L. Foster)	\$ 325.00
ADVERTISING	(The Sentinel)	37.67
PHOTOCOPIES	(Borough of Carlisle)	338.40
TRAVEL	(Abington Township Officials)	<u>46.74</u>
1991 TOTAL = \$		747.81

1992-EXPENDITURES

CLERICAL ASSISTANCE	(Cindy L. Foster) 58.00	
	(Judith P. Swaney) 1,693.25	\$ 1,751.25
ADVERTISING	(The Sentinel)	438.92
PHOTOCOPIES	(Borough of Carlisle)	574.90
POSTAGE	(U.S. Postal Service)	<u>13.30</u>
1992 TOTAL = \$		2,778.37

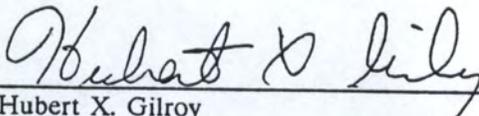
ESTIMATED ADDITIONAL EXPENDITURES

CLERICAL ASSISTANCE	(Judith P. Swaney)	\$ 300.00
ADVERTISING	(The Sentinel)	300.00
PHOTOCOPIES	(Borough of Carlisle)	250.00
PRINTING OF CHARTER		1,000.00
DISTRIBUTION OF CHARTER		<u>1,500.00</u>
TOTAL = \$		3,350.00

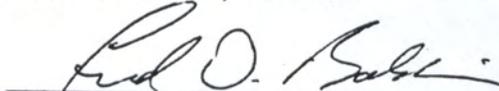
TOTAL ACTUAL & ESTIMATED EXPENDITURES	6,876.18
BUDGET APPROPRIATIONS	7,000.00
INTEREST EARNED	92.42
ESTIMATED UNEXPENDED APPROPRIATION	<u>216.24</u>



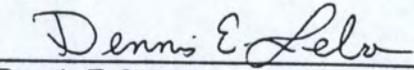
 Albert H. Masland, Chairman



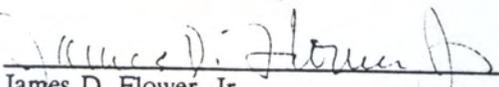
 Hubert X. Gilroy



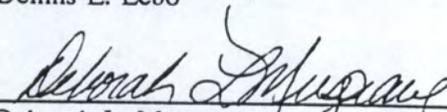
 Fred D. Baldwin



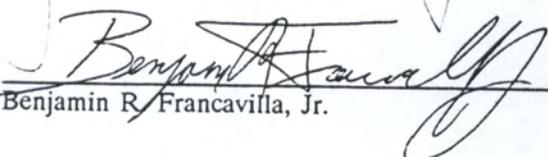
 Dennis E. Lebo



 James D. Flower, Jr.



 Deborah L. Musgrave



 Benjamin R. Francavilla, Jr.

State of PA
 County of Cumberland

Sworn to and Subscribed Before
 Me this 28th Day of August 1992.

Notarial Seal
 Cindy L. Foster, Notary Public
 Carlisle Boro, Cumberland County
 My Commission Expires Oct. 24, 1994

Member, Pennsylvania Association of Notaries

