

GOVERNMENT STUDY COMMISSION NEWSLETTER BOROUGH OF CARLISLE

March 2014

Issue No. 5

Welcome to the Borough of Carlisle Government Study Commission Newsletter. The commission will use this monthly newsletter to keep citizens informed about the progress of the commission as well as the schedule for key dates and events. More detailed information on the government study commission process can be found [here](#) on the Borough of Carlisle Web Site.

Please e-mail CarlislePaHR@gmail.com to be added to the e-mail distribution list.

The commission's next meetings will meet in Borough Hall at 7:00 p.m. on Tuesday, March 18, Tuesday, April 1 and Tuesday, April 15.

Current Status

Following its decision on October 29, 2013 to proceed with drafting a home rule charter, the commission organized itself into committees focused on general areas identified during the commission's research phase to fully examine and consider key issues. Committees and members are:

Committee	Members	Committee	Members
Charter Development and Compliance	John Sacrison David Sheridan Blake Wilson	Citizen Participation	Bill Berwick Stephen Hughes Blake Wilson
Government Structure	David Sheridan Bob Winston Ken Womack	Tax Collection	Bert Lennon Phil Shevlin Bob Winston
Elections	Stephen Hughes Bert Lennon Phil Shevlin	Miscellaneous	Bill Berwick John Sacrison Ken Womack

Charter Development and Compliance

This committee is responsible for drafting/coordinating charter input, compliance with the required legal timeline, the legal review of the charter and overseeing the draft of the transition plan. The committee has developed a "shell" for a draft home rule charter. As the commission approves items for inclusion in the draft charter, the committee will integrate them into the shell which ultimately will become the preliminary draft charter.

Government Structure

This committee presented its initial report on January 28th. The committee discussed some updates to the report on February 18th and provided the updated report on March 4th. The report calls for a six council members and the mayor who shall be the seventh member of council. Six members of council are elected at large for a four year term, three in each alternating odd year. The mayor is elected at large for a four year term every other odd year. The Mayor serves as the "president" of the council and chairs all council meetings, and exercises the same authority and responsibility to vote as all other council members. The mayor has no veto.

Borough Council hires the manager, as is the case under the current borough government. The chief of police reports to the borough manager, along with all other department heads. The mayor chairs the

public safety committee and is an ex officio member of all other borough committees. The mayor is the “face of the Borough” to the public and to other governmental entities.

At its post-election organizational meeting, council elects a deputy mayor to serve for two years. If the mayor is temporarily incapacitated or otherwise unable to serve, the deputy mayor assumes the mayor’s duties until the mayor is able to return. In the event of a vacancy in the office of mayor, remaining members of council elect, from its members, a new mayor to fill the vacancy until the next municipal election. Procedures would be in place similar to the current Borough Code to fill vacant council seats.

The committee is working on language for a non-interference/communication clause to govern communications between mayor, council and the manager.

The report recommends inclusion of a provision, present in a number of other charters, which requires council members to vote on all issues unless there is a conflict of interest.

The committee will continue to refine the duties of the mayor and council, their relationship to the borough manager, and election and vacancy procedures (in conjunction with the elections committee). The committee has made inquiries about some of the election procedures and was directed to the solicitor for specific information.

Elections

In an updated report on February 18th the committee made the following recommendations:

- The committee recommends that the elected position of local tax collector be discontinued and that this function should be performed as determined by the municipal council.
- Consistent with the majority of existing home rule charters, the committee recommends continuing to elect the mayor and the council on an at-large basis.
- The election committee recommends that the terms of office for the mayor be four year terms and the council be four year, overlapping terms.
- The committee recommends that the compensation for the elected positions of mayor and council members remain as established by current and future borough codes.

After the government structure committee completes its report, the elections committee and the government structure committee will coordinate final reports and recommendations to ensure they are consistent.

Citizen participation

On January 7th the committee provided its initial report and recommended adopting procedures to enable citizens to initiate new ordinances (initiative) and overturn existing ordinances (referendum). On February 18th, the committee recommended the following specific provisions for initiative and referendum:

- Any five (5) electors of the Borough may commence initiative or referendum by filing an affidavit with the Manager, etc.
- The petition must be signed by at least 15% of the voters taking part in the most recent gubernatorial election, and must be filed with 90 days of the date on which the affidavit was filed.

- From the date the petition was judged sufficient, the Council has sixty (60) days to adopt the proposed initiative, or thirty (30) days to repeal the referred ordinance. If Council fails to act within these periods, Council shall submit the proposed or referred ordinance to the voters of Carlisle.
- The vote on proposed or referred ordinance shall be held at the next, municipal, primary, or general election in accordance with the provisions of the elections laws of the Commonwealth of Pennsylvania.
- Upon certification of the election results, an initiative ordinance shall be considered adopted if approved by a majority of the voters in that election, and a referred ordinance shall be considered repealed if rejected by a majority of those voters.
- Whether passed by council or by vote of the electors, a newly-approved initiative may not be repealed or amended by Council within two (2) years. Any ordinance rejected by the voters may not be reenacted by Council for two (2) years.

The committee recommends the following limitations on initiative and referendum:

1. Salaries of municipal employees
2. Any action that would affect the revenues or expenditures of the borough
3. Appropriation of money or levying of taxes
4. Emergency ordinances (referendum)
5. Any matter the Borough Council itself is prohibited from legislating upon

The commission is working with the solicitor to determine if initiative and referendum can include legislative actions other than the adoption/repeal of ordinances and any other restrictions.

Tax Collection

On February 18th, the committee made the following recommendations to the full commission for inclusion in the preliminary draft charter:

- That the charter abolish the office of elected tax collector and direct the council to enact such ordinances to require that taxes thereafter be collected by:
 - Designated Borough of Carlisle department, bureau or
 - Under agreement with another governmental unit, political subdivision or municipality for consolidated collection of local taxes or
 - Appointed individual qualified in accordance with PA Act 25 (2001) or
 - Private tax collection firm.
- That the charter include language maintaining the current limitations on tax rates or ceilings:

“In fixing the rate of any municipal tax which may be now or hereafter authorized by law, Council shall abide by the limits established by the General Assembly for Boroughs.”

Miscellaneous

This committee is responsible for examining those issues which do not specifically fall under the purview of the other committees. The commission referred six specific issues to the miscellaneous committee.

Large Government

Three issues were concerned with the size and scope of municipal government:

- Don't adopt charter that makes government too large or expensive
- Don't make Charter so specific that municipality loses leeway to make changes as necessary.
- Don't let Charter over-regulate -- give council option to adopt procurement codes, etc.

The committee recommended that the commission as a whole keep this idea of limited government in mind as they develop the draft charter and then use it to evaluate the final charter but that no specific language be included in the charter to address these issues.

Sunset Provisions

The committee also addressed the issue, "Should 'sunset' provisions be required for some or all borough ordinances?" The committee believes that specific sunset provisions would be cumbersome and restrictive. However, the committee recommends that an administrative code (anticipated to be required by the charter) include provisions for periodic review, and updates (if required) of all borough ordinances.

Regionalization

The committee was assigned the issue, "Need option for regional merge of police and fire departments if necessary." The committee's initial research indicates that there are currently no current restrictions on regionalization and that a draft home rule charter remain silent on this issue.

Code of Ethics

The committee addressed the need for a code of ethics for public officials as suggested in public meetings. Currently, there is no borough-sanctioned code of ethics for elected officials and borough employees. The committee examined a number of home rule charters and found a very diverse approach for including a code of ethics, many outdated due to court cases on removing public officials from office. The commission, after receiving the committee report on March 4th, suggested that a code of ethics for borough employees be separate from that for elected and appointed officials and be included in an administrative code. The committee will continue to examine the issue for elected and appointed officials with an emphasis on any state codes that are generally applicable to elected officials which could be specifically adopted in the charter. In addition, the committee will examine the potential role of the state ethics commission in prescribing and enforcing ethics issues.

Procurement/Purchasing Code

Based on inputs from the public hearings and a review of other home rule charters, the committee believes using the authorities in the home rule law would allow the borough to adopt practices and procedures, not allowed by the current PA Borough Code, which would increase efficiency and provide more cost-effective purchasing and contracting. As with codes of ethics, there is wide diversity in the

approaches of other charters. Some are very specific while others provide very basic guidance and authorize council the latitude to develop specific procedures. The committee will continue to examine these options and update its report at subsequent meetings. The general sense of the committee is that the any recommendations should focus on giving the council latitude to make decisions free from the current restrictions in the state purchasing code rather than including specific provisions/limitations in the charter.

Public Involvement

The government study commission is seeking public input and comments on the government study commission process. Please contact the commission via e-mail at CarlislePaHR@gmail.com with your comments and suggestions. You can also find the commission on Facebook at Carlisle Home Rule Study Commission. The commission strongly encourages the public to attend its meetings.

Commission Member Spotlight: Blake Wilson

Blake Wilson grew up in Oregon, attended Amherst College and U.C. Berkeley, then received his PhD in musicology from Indiana University in 1987. He has published a number of books and articles on the musical culture of Renaissance Italy, and travels to Italy frequently to conduct research. Since 1993 he has been a professor of music history and choral conducting in the Dickinson College music department. He is the director of the Dickinson Collegium, a chamber choir that has been performing around the community and raised money for Project S.H.A.R.E over the last 20 years.

He and his wife Lynn Holding founded the SOSO neighborhood association about ten years ago, and he has since become interested in the ways citizen groups can organize to become active participants in the political culture of Carlisle. In 2009-10 Blake was directly involved in the citizen group that researched and drafted a Rental Responsibility Ordinance, parts of which were subsequently adopted by the council as borough code.

Blake and Lynn have raised two children in Carlisle: Keanan (19), a college freshman in Minnesota, and Claire (24), a recent graduate of Rochester Institute of Technology with a degree in fine arts photography. Blake enjoys cycling the region's many beautiful rural roads, flyfishing (in PA and out west), and is working to restore his Victorian home on South Pitt Street.