

# GOVERNMENT STUDY COMMISSION NEWSLETTER BOROUGH OF CARLISLE

April 2014

Issue No. 6

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](mailto: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 April 29<sup>th</sup>, May 13<sup>th</sup>, May 20<sup>th</sup>, May 27<sup>th</sup> (all Tuesdays) with a public hearing planned for Monday, June 2<sup>nd</sup>. The commission plans to have a preliminary draft charter available for this hearing.

## **Committee Members**

<b>Committee</b>	<b>Members</b>	<b>Committee</b>	<b>Members</b>
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. The committee intends to provide the first draft to the full commission on May 13<sup>th</sup>.

## **Government Structure**

This committee presented its initial report on January 28<sup>th</sup>. The committee discussed some updates to the report on February 18<sup>th</sup> and provided the updated report on March 4<sup>th</sup>. 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.

### **Elections**

In an updated report on February 18<sup>th</sup> 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 7<sup>th</sup> 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 18<sup>th</sup>, 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

### **Tax Collection**

On February 18<sup>th</sup>, 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 examined six specific issues initially. Three issues, large government, sunset provisions and regionalization were dismissed as being general enough in nature not to require a charter entry (large government; sunset provisions) and the third one (regionalization) is already governed in other legislation.

### **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 confirmed that the PA State Ethics Code applies to all borough elected and appointed officials and employees. According to the PA State Ethics Code, no public official or public employee shall engage in conduct that constitutes a conflict of interest. The code deals primarily with

conflict of interest issues however and does not cover other issues customarily addressed by an ethics code.

At its meeting on April 15<sup>th</sup>, the committee agreed that the draft charter should include a provision directing borough council to adopt a code of ethics for its members and that a code of ethics for borough employees be separate from that for elected and appointed officials and be included in an administrative code.

#### 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. 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. The committee will report again on this issue on April 29<sup>th</sup>.

#### 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](mailto: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: Phil Shevlin

Phil Shevlin was born and raised in Carlisle. He is a 1973 graduate from Carlisle High School. His wife Carole is also a native of Carlisle and graduated with Phil in 1973. Following graduation from high school, Phil entered the United States Air Force. Following basic training he attended the Community College of the Air Force in Denver Co. and graduated with a degree in electronics. Phil moved back to Carlisle after he was discharged from the Air Force and went to work for the Dept. of the Navy at the Mechanicsburg Navy Depot in the electronics division. He then transferred to the New Cumberland Army Depot and worked in the helicopter department until that department was transferred to Texas.

Phil and his wife Carole co-owned Shevlin's Maintenance Service Inc. in Carlisle for over 25 years and subsequently retired from the business. Phil's son continues to run the business to this day.

Phil currently works at Hoffman-Roth funeral Home and Crematory. He is the manager of Baughman Memorials, the monument division for the funeral home

Phil is also an avid bass fisherman. He is a past president of the United Bassmasters of Central Pennsylvania. As a semi-professional, he traveled up and down the east coast for over 10 year, fishing various bass tournament circuits with his son Joe. He has since retired from that and now fishes for pleasure only.