

Government Study Commission

January 7, 2014

Carlisle Borough Hall

Meeting Minutes

Commission members in attendance: Dave Sheridan, William Berwick, Bert Lennon, Philip Shevlin, John Sacrison and Robert Winston, Stephen Hughes and Ken Womack.

Not in attendance at the meeting: Blake Wilson

1. Call to Order

Ken Womack called the meeting to order at 7:08 PM.

2. Approve minutes

The December 17, 2013 minutes were approved

3. Public Comment

- The commission discussed ways to improve communications to the public.
- Ms. Jane Rigler, 127 S College Street, Carlisle Pennsylvania, suggested the commission look into how Luzerne County, which adopted a home rule charter in the past five years, communicated with the public.

4. Old Business

- Committee Updates
 - Government Structure Committee
 - The committee discussed the following points as a possible structure for the borough. The complete report will be presented at the next meeting.
 - Elected mayor (elected at large) is an important office to maintain.
 - Mayor functions as the chair (maybe called president) of council.
 - Mayor chairs the emergency services committee of the council (not sure of precise name of committee).
 - Ex officio member of all council committees.
 - Brings budget to council for deliberation.
 - Primary contact of council with manager.
 - Elections Committee – Attachment provides requirements for redistricting.
 - Bert Lennon spoke with the County GIS Coordinator. The coordinator has provided redistricting options to other local municipalities. Bert Lennon met with the Cumberland County Bureau of Elections and discussed the process for redistricting the borough in order to elect council by wards. The length of time for redistricting could take from nine months to two years. A positive aspect for redistricting in the Carlisle Borough is there is only one school district. The complete report from the Elections Committee will be presented on February 4, 2014.

The commission asked Bert Lennon to check into if the Borough of Carlisle has ever been divided into wards in the past.

There was discussion on redistricting wards for electing council member by wards. It was stated that the result of redistricting would change the citizen representation makeup from the current wards.

- Citizen Participation Committee – See attached preliminary report.
- Miscellaneous Committee:
 - John Sacrison is looking into purchasing policies governed by PA Borough Code.
 - Other issues on Miscellaneous Committee list: Should sunset provisions be required for ordinances; Do not make charter so specific that prevents municipality from making changes if necessary; Do not let the charter over regulate; Ethics code; Option for merger of Fire and Police if necessary; Do not adopt a charter that makes the government to large or expensive.

5. New Business

The next meeting dates and Committee interim reports due are:

21-JAN-2014	Government Structure
04-FEB-2014	Elections
18-FEB-2014	Miscellaneous - Any new issues not directly related to other committees

6. Public Comment

Ms. Jane Rigler recommended that when the final charter is presented to the public, it should be made known the Commission charter is not perfect but it is an improvement to the current structure.

7. Adjourn

Meeting was adjourned at 8:50 PM

Respectfully Submitted,
Joyce Stone,
Borough Secretary

Elections

I. Home Rule Law Requirements

- A. Charter must specify certain elements
 - 1. Number to be on municipal council
 - 2. All elected offices
 - 3. Whether basis of elections at-large, district or combination
- B. If basis is changed from existing basis, the following applies
 - 1. Election of officials cannot be until 180 days after charter approved
 - 2. New or revised districts must be included in proposed charter
- C. Amendment to charter election rules
 - 1. Method of elections within charter may be amended by referendum
 - 2. Referendum to elect by districts requires reapportionment commission of 7 members
 - a. Mayor appoints 2 members
 - b. Council appoints 2 members
 - c. Mayor appoints 1 from majority party
 - d. Mayor appoints 1 from minority party
 - e. Commission chairman elected at-large by 6 appointed commissioners
- D. The Municipal Reapportionment Act requires every municipal governing body elected by districts to be reapportioned after each federal decennial census.

II. PA Home Rule Experiences

- A. Elections in home rule municipalities must be conducted under the provisions of the Election Code which provides for election of local officials in odd-numbered years and state and national officials in even-numbered years.
- B. Governing Body - most Pennsylvania charters contain the greatest detail in treating the legislative function. ...
 - 1. Size. The size of governing bodies in Pennsylvania home rule charters falls within a surprisingly small range. Of the 71 charters, 65, or 92% have governing bodies of 5, 7 or 9 members.
 - 2. Method of Election. The majority of Pennsylvania charters provide for election of the governing body at large. Where some or all members are elected by district, the number of districts ranges from 3 to 13.

3. Terms. The term of office for members of governing bodies is almost universally set at four years. Provision for overlapping terms of governing body members are found in 68 of the 71 charters.

4. Term Limits. None of the municipal codes in Pennsylvania limit the number of terms elected officials can serve. However, term limits for members of governing bodies appear in 10 home rule charters where the limit is prescribed as two consecutive four-year terms.

C. Elected Executives.

1. In 30 cases, Pennsylvania charters provide for a separately elected mayor or executive.

2. Fourteen other charters designate one of the council members as mayor.

3. Nineteen of the charters, or 27%, provide for a separately elected executive to be in charge of the bulk of the local government's administrative functions.

4. Term Limits. for elected executives appear in nine home rule charters. Most charters prescribe limits of two consecutive four-year terms.

Citizen Participation

I. Constants

- A. Procedure for initiative (introducing new ordinances)
- B. Procedure for referendum (overturning existing ordinances)
- C. Requirements for "sufficiency" of petitions, and procedures and timelines for "action" on petition from initial filing to final voting
- D. Repeal and Amendment restrictions: generally any ordinance adopted by voters through initiative may not be repealed or amended for two years, and any ordinance repealed through referendum may not be re-enacted within two years.

II. Variables

A. Signatures for petitions

- 1. 15%-25% of registered voters (*4 boroughs)
- 2. 10%-20% of voters in most recent gubernatorial (3) or borough (2) election
- 3. Option: 5% below at-large percentage if collecting signatures by ward

[*By amendment, Monroeville increased its figure from 10% to 15%]

B. Time frame

- 1. for gathering signatures (30-90 days, usually 90)
- 2. for certification of "sufficiency" (20 days)
- 3. for council to act (usually 60 days)

C. Limitations

- 1. Only matters of legislation
- 2. Fiscal matters
 - a. Salaries of borough employees & officials
 - b. Budget or capital programs in their entirety
 - c. Changes to municipal project involving the issuance of bonds
 - d. Levying of taxes
- 3. Zoning
- 4. Emergency ordinances (referendum limit)
- 5. Any matter the Council itself is prohibited from legislating upon

D. Petitions must be submitted to (and certified by)

- 1. Manager (or Borough "Secretary") (6)
- 2. County Board of Elections (*3)

[*Monroeville approved amendment to shift this responsibility from Mayor & Council to Allegheny County Board of Elections]

Citizen Participation

Historically a primary focus of GS commissions, 76% of all PA home rule charters include provisions for initiative (introducing ordinances) and referendum (overturning ordinances). Recall of elected officials has been ruled unconstitutional by the PA courts.

Charter provisions under the rubric of citizen participation might also include:

1. guarantees of the citizens' rights to speak at public meetings of the governing body (usually addressed, however, in that portion of the charter devoted to council structure and duties)
2. required public hearings before adoption of ordinances
3. publication of annual reports
4. established of various types of citizen advisory, review, or study committees
5. clauses encouraging citizens to participate more actively in municipal government affairs

Suggested charter components:

I. General Authority

- A. General statement on citizen participation
- B. Initiative
- C. Referendum

II. Limitations of I & R (see Carlisle 1992 formulation)

- A. Salaries of Municipal employees
- B. Municipal budget (see Carlisle 1992 statement)¹
- C. Levying of taxes
- D. Any matter council itself is prohibited from legislating upon
- E. "Only matters of legislation may be subjected to I. & R." (Whitehall C-1202)

III. Form of the Petition

- A. Content (full text, affidavit of circulator)
- B. Signatures (% + info. required)

IV. Procedures for I & R

- A. Petitioner's Committee
- B. Filing (incl. certification)
- C. After Filing (Council's duty to act)
- D. Results of Election
- E. Repeal & Amendment

¹ See West Chester provision 41.9-903.F: "Any proposed ordinance which requires the expenditure of Borough revenues shall provide for the funding thereof." Also, Carlisle 1992, 705.2: "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."