

**Government Study Commission**  
**February 4, 2014**  
**Carlisle Borough Hall**  
**Meeting Minutes**

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

1. Call to Order

Ken Womack called the meeting to order at 7:00 PM.

2. Approve minutes

The January 28, 2014 minutes were approved.

3. Public Comment

None

4. Old Business

a) Committee Reports

- Government Structure
  - ❖ The committee is working on the report
- Charter Development Committee
  - ❖ Dave Sheridan will continue to develop a Home Rule charter document for the commission to use to use as a base line.
- Citizen Participation
  - ❖ The commission discussed if referendums can be used for zoning ordinances. The commission agreed to have Chapter 705 "Limitations of Initiatives" in the Borough Code reviewed by the Borough Solicitor.
- Tax Collection
  - ❖ No report at this time
- Miscellaneous
  - ❖ The committee is completing this report
- Elections
  - ❖ Bert Lennon presented a complete report. See attached.

b) Review Newsletter

- Commission reviewed information and agreed to publish newsletter.

5. New Business

- a) The commission discussed organizing a citizen participation group to help distribute

Home Rule information to the public.

b) The commission will look for a facility to hold the next public hearing.

6. Public Comment

None

7. Adjourn

Meeting was adjourned at 8:50 PM

Respectfully Submitted,

Joyce Stone,

Borough Secretary

## **Election Committee Report**

This committee was formed to study key election issues that must be addressed by a home rule charter. Our study involved a review of our current borough government, PA home rule laws, PA election laws and the historical experiences of other Pennsylvania home rule municipalities.

Carlisle Borough currently has 14 elected government officials – a mayor, 7 council members, a tax collector, and 5 constables. The mayor, council and tax collector are all elected to 4 year terms on an at-large basis. The constables are elected to 6 year terms on a ward basis. The First Ward constable position is currently vacant. Consistent with applicable Pennsylvania municipal codes, none of these elected officials have term limits.

The Pennsylvania Home Rule and Optional Plans Law mandates that home rule charters specify all offices to be filled by election, the number to be on municipal council and whether elections shall be on an at-large, district or combination district and at-large basis. The Home Rule Law further mandates that if the recommended basis differs from the existing basis, the new or revised districts shall be established by the government study commission and included in the proposed charter. Election of officials on this new basis shall not take place until the municipal election following the next primary election taking place more than 180 days after the Home Rule Charter referendum election. The new form of government cannot go into effect until the first Monday in January following the election of municipal officials on the new basis. Home rule charters must also meet Pennsylvania election law requirements.

The Pennsylvania Election Code provides for election of local officials in odd-numbered years and state and national officials in even-numbered years. Further, Article IX, Section 11 of the Pennsylvania Constitution as implemented by the Municipal Reapportionment Act requires every municipal governing body elected partially or wholly by districts to be reapportioned after each federal decennial census.

In accordance with the above laws, the committee makes the following 5 recommendations reference offices to be filled by election, number on council, basis of election, election terms and compensation.

**1. Elected Officials.** The committee recommends that the municipality continue to elect a mayor, municipal council and constables. We further recommend that the elected position of local tax collector be discontinued and that this function should be performed as determined by the municipal council. All elected officials shall be required to meet certain qualifications in that they must be registered voters of the Municipality, shall have been residents continuously in the Municipality for at least one year prior to filing for election, and must remain residents during their entire term of office. Also no elected official shall hold any other elected or appointed office of the Municipality nor be an employee of the Municipality during the term for which they are elected.

**2. Number on Council.** The committee further recommends that our governing body consist of 6 elected council members plus the mayor acting as President of Council. At its organizational meeting, the Council shall elect one of its members to act as Deputy Mayor. This recommended size of 7 for our governing body is consistent with the experiences of 92% of the other Pennsylvania home rule charters that also established governing bodies of 5, 7 or 9 members.

**3. Basis of Elections.** The committee recommends continuing the election of the mayor and the

council on an at-large basis. This is consistent with the majority of existing home rule charters. A recommendation for election of the governing body on a ward basis would require that the charter define new wards – an action that could possibly trigger a public reaction that would overshadow the original intent of the home rule charter referendum. Also changing the election basis to a ward basis would cause a reapportionment of voting districts after every decennial US Census. It should be noted that if in the future our citizens desire to change the basis of elections, the PA Home Rule and Optional Plans Law outlines procedures through which home rule municipalities may conduct referendums to amend their charters to require election by districts.

The committee further recommends that constables may continue to be elected by ward basis as they are not a governing body and will not trigger reapportionment.

**4. Terms of Election.** The election committee also recommends that the term of office for the mayor and council be four year, overlapping terms. The four year term of office and provisions for overlapping terms is almost universal in current PA home rule charters (68 of 71 charters). The four year term length allows officials to learn and become proficient in their duties while the overlapping of terms insures continuity when new officials are elected. Constable terms of election may remain consistent with the existing and future rules for PA boroughs.

**a. Term Limits.** The committee further recommends that term limits of two consecutive terms be established for the elected governing officials. Term limits will provide for periodic infusions of new ideas and viewpoints from newly elected officials. Constable terms of office may remain consistent with the existing and future rules for PA boroughs. Should the office of an elected official become vacant upon the official's death, resignation, forfeiture of office, or removal from office in any manner authorized by the charter or by the Pennsylvania Constitution, Article VI, Section 7, we recommend specific actions be taken.

**b. Council Vacancy.** If any vacancy shall occur in the office of council, for any reason whatsoever, the council members shall fill the vacancy by appointing, by resolution, a qualified person eligible under the charter to hold the office until a successor assumes office. All officials holding office by appointment shall hold that office until the first Monday in January following the next municipal election at which a successor shall be nominated and elected for the unexpired or full term, as the case may be. For the purpose of term limits, if an appointee fills an elected office for 2 years or less, it does not count as a full term.

**c. Mayor Vacancy.** Whenever the Mayor is absent or incapacitated, the duties of the office shall be discharged by the Deputy Mayor. The Deputy Mayor when acting as mayor shall have power to vote as a councilmember but may not cast a tie-breaking vote. If a vacancy occurs in the office of mayor, council may appoint one of its members to fill the vacancy, and the councilmember's seat shall be declared vacant. If no councilmember wishes to accept such an appointment, council shall fill the vacancy subject to qualifications for mayor provided in the charter. The official holding office by appointment shall hold that office until the first Monday in January following the next municipal election at which a successor shall be nominated and elected for the unexpired or full term, as the case may be. For the purpose of term limits, if an appointee fills an elected office for 2 years or less, it does not count as a full term.

**5. Compensation.** Finally, the committee recommends that the compensation for the elected positions of mayor and council members remain as established by current and future borough

codes. Although the current compensation for these elected officials is modest, most citizens who run for local elected office are what we like to call “local patriots” who perform these duties because of a deep sense of citizenship and a sincere desire to improve our community.

As with all other home rule issues, the Election Committee welcomes all public input as it moves towards working out the details of home rule charter provisions concerning elections.