

Government Study Commission

March 4, 2014

Carlisle Borough Hall

Meeting Minutes

Commission members in attendance: Bert Lennon, Philip Shevlin, John Sacrison, Blake Wilson, Stephen Hughes, Ken Womack and Secretary Joyce Stone

Attending meeting via phone: Dave Sheridan

Not in attendance at the meeting: Robert Winston and William Berwick

1. Call to Order

Ken Womack called the meeting to order at 7:05 PM.

2. Approve minutes

The February 4 and February 18, 2014 minutes were approved.

3. Public Comment

None

4. Old Business

a) Committee Reports

- Charter Development Committee
 - The committee continues to work on the draft charter report.
- Tax Collection
 - No update
- Citizen Participation
 - Report be added to charter (see attached)
- Government Structure
 - Waiting for input from borough solicitor regarding how to address tie votes on council. Interim report attached (discussed at February 28th meeting to be included in minutes of this meeting).
- Miscellaneous
 - The committee continues to work on the draft charter report. The commission discussed issues such as the procurement code, advertising, and ethics code.

5. New Business

None

6. Public Comment

None

7. Adjourn

Meeting was adjourned at 8:30 PM

Respectfully Submitted,
Joyce Stone,
Borough Secretary

Attachment: Citizen Participation Committee Report

Citizen Participation Committee: Recommendations (Draft: 2/15/2014)

Citizen Participation

The committee recommends inclusion of charter provisions to foster citizen participation, which would include required public hearings before adoption of ordinances, publication of annual reports, and the establishment of citizen advisory, review, or study committees. (cf. Carlisle 701; Norristown 801).

Initiative and Referendum

The committee recommends adoption of procedures that enable citizens to initiate new ordinances (initiative) and overturn existing ordinances (referendum). These procedures allow citizens to bring petitions concerning new or existing ordinances before the municipal electorate.

Limitations on Initiative and Referendum

The collective experience of PA municipalities has led to the widespread adoption of certain limitations on the procedures and subjects of citizen petitions. In order to prevent undue disruption of more specialized government operations, it is necessary to define limitations to the kinds of ordinances that can be addressed through citizen petition. The committee recommends the following limitations (cf. Carlisle 705; West Chester 903F; Whitehall 1202)

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

Petition Procedures

1. Any five (5) electors of the Borough may commence initiative or referendum by filing an affidavit with the Manager, etc. (Carlisle 706)
2. 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.
3. [a clause to stipulate the form and content of the petitions] (Carlisle 711; Norristown 803B; Bethel Park 1203)
4. Within 30 days of submission of the petition, the County Board of Elections shall verify the accuracy and sufficiency of the petition. This clause will be expanded to include dealing with the contingency of petitions ruled insufficient (Carlisle 708.2; West Chester 903C; Murrysville 2004)

Action on the Petition

1. 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.
2. 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.

Election Results

1. 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.

2. 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.

3. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the greatest affirmative vote shall take precedence.

Draft Report of the Government Structure Committee
March 4, 2014

Under the current Carlisle municipal government, borough council hires the manager and, with the exception of the police department, municipal departments report to the manager. The police department reports directly to the mayor rather than to the manager (though other public safety personnel [fire chief] do). The mayor, elected at large, attends any or all regular and special meetings of council and may take part in the discussions of the council on matters pertaining to borough affairs. However, the Mayor only votes in cases where, by reason of a tie or split vote, the mayor casts the deciding vote (under current law the Mayor may table the matter until a special meeting of Council is held to reconsider the issue). The mayor also has the authority to veto ordinances, which veto can be overridden by a majority of all elected council members plus one.

The committee believes that the current government structure, where some department heads report to the manager while the police department reports to the mayor, is confusing and inconsistent with sound management practices. In addition, the committee believes that having the mayor sit with council and take part in the discussions of the council on matters pertaining to borough affairs, but only voting in case of a tie or exercising a veto, is cumbersome and fails to fully include the mayor in governing the borough.

Boroughs that have adopted home rule have generally responded to this situation by reorganizing the government in several ways that can be described as existing on a continuum: at one end is the option of eliminating the mayor entirely and moving to a council-manager form of government with a council president chosen by council from its members; at the other is a strong mayor form of government in which the mayor is the “chief executive” who oversees municipal operations, often with the help of a municipal administrator chosen by the mayor, and council is purely legislative; in some municipalities with a strong mayor, the mayor’s powers are constrained by an “advice-and-consent” requirement for major appointments like the municipal administrator and some department heads. Between these two poles, municipalities have built a variety of structures.

The government structure committee recommends one of these “middle ways”:

- A borough council with seven members; 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 shall exercise the same authority and responsibility to vote as all other council members; the mayor shall have no veto.
- Borough Council shall, by majority vote, hire the manager, as is the case under the current borough government.

- The mayor chairs the public safety committee and is an *ex officio* member of all other borough committees.
- The chief of police reports to the borough manager, as do all other department heads.
- 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.
- If the mayor’s office becomes vacant, the remaining members of council shall elect, from its members, a new mayor to 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 the deputy mayor is selected to be the mayor, council shall also elect, from its members, a new deputy mayor. [Note: Electing a new mayor from council creates a vacancy in council which shall be filled as indicated below.] If Council shall refuse, fail, 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.
- 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, neglect or be unable for any reason whatsoever to fill such vacancy within forty-five (45) days after the vacancy occur, 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. [’92 charter]
- A sitting council member may run for mayor. If elected mayor, and the council member has an unexpired term subsequent to assuming the office of mayor, the council member’s seat shall be deemed vacant immediately following the organizational meeting when the new mayor is sworn in, at which time Council would fill the vacant council seat until the next election, when an election will be held to fill out the remaining term or for a new four-year term as the case may be.

NON-INTERFERENCE [see justification below]

Except for the purpose of formal inquiries and investigations, the Mayor, or Council through the Mayor, shall give orders to the officials and employees of the Municipality who are subject to the direction and

**Draft Report of the Government Structure Committee
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supervision of the Borough Manager solely through the Borough Manager.

The Government Study Committee takes particular note of a theme that ran through a number of our information-gathering sessions: there is a real danger that the Borough Manager ends up having “seven bosses” under the current structure. In other words, while Council should govern and the Manager should manage the day-to-day operations of the Borough, some Council members apparently do try to micromanage. The Committee recommends that the elected Mayor be the single individual authorized to convey policies set by the Council. This “authorized voice” must be just that, authorized to bring specific, agreed-upon information and policies to the Manager – and to the public and other government entities as well – on behalf of the Council and the Borough as a whole.

This suggestion should not be interpreted as restricting constituent services by members of Council. It is appropriate – indeed, an expectation – that members of Council bring issues raised by constituents to the attention of the appropriate Borough personnel, preferably via the Manager. It is well-known that many Carlisle citizens contact various departments directly, so it would be illogical to hinder the reporting of, say, potholes or missed trash pick-ups by members of Council.

Requirement for Council Members to Vote

The Following is from the West Chester Home Rule Charter:

§ 41.2-217. Form of Action by Council.

- A. All official actions of the Council shall be taken by the adoption of an ordinance, resolution or motion. All legislation shall be enacted by the adoption of an ordinance. All ordinances and resolutions must be in written form and enacted only after reasonable notice to Members of Council, except as otherwise provided in this Charter. All final action in adopting ordinances or resolutions shall be by roll call vote and the vote of each Member of Council shall be entered in the record of the meeting.

- B. All Members of Council present at the meeting shall be required to vote in either the affirmative or the negative on all issues and questions put to a vote of the Council, except as restricted by this Charter, or unless a Member of Council shall have a conflict of interest in the matter, in which case the Member of Council shall abstain and inform the Council in public session of the reason for abstaining.