

**BOROUGH OF CARLISLE  
GOVERNMENT STUDY COMMISSION  
FREQUENTLY ASKED QUESTIONS**

At the municipal primary election for the Borough of Carlisle on May 19, 2015, Carlisle citizens will find the following measure on the ballot:

"Shall the Home Rule Charter contained in the report, dated March 3, 2015,  
of the Government Study Commission, prepared in accordance with the  
Home Rule Charter and Optional Plans Law, be adopted by the Borough of Carlisle?"

Voting YES on this measure is a vote to adopt a home rule charter for the Borough of Carlisle.

The Borough of Carlisle Government Study Commission wants all citizens to be informed about the process for developing the home rule charter, its contents and its implications for municipal government in the Borough of Carlisle. To that end we have developed this list of frequently asked questions.

Detailed information on the proposed charter, to include a summary of the key changes, the final report of the commission and the proposed charter, is available on the Borough of Carlisle web site, [www.carlislepa.org](http://www.carlislepa.org) (click the green tab "Government Study Commission" at the top right on the home page).

If you have additional questions on the government study commission process or the proposed charter please contact the commission via e-mail at [sternheim@centurylink.net](mailto:sternheim@centurylink.net).

### **What is Home Rule?**

The concept of home rule is relatively simple. The basic authority to act in municipal affairs is transferred from state law, as set forth by the General Assembly, to a local charter, adopted and amended by the voters. Currently the basic authority governing the Borough of Carlisle is the PA Borough Code. The proposed home rule charter, if adopted, will replace certain provisions of the PA Borough Code with provisions in the home rule charter.

### **What is the authority for adopting Home Rule?**

Section 2 of Article IX of the Pennsylvania Constitution, adopted in 1968, states, "Municipalities shall have the right and power to frame and adopt home rule charters ... A municipality which has a home rule charter may exercise any power to perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time." On April 13, 1972, the PA Legislature adopted the Home Rule Charter and Optional Plans Law which established the procedures for adoption of a Home Rule Charter.

### **Has the Borough of Carlisle ever considered Home Rule before?**

On May 21, 1991, Carlisle voters authorized the creation of a Home Rule Study Commission of seven (7) citizens to study the borough government and determine if a home rule charter would benefit the borough. The commission approved its report and proposed charter on August 26, 1992, and the issue was put before the electorate on November 3, 1992. The proposed charter narrowly failed being approved.

## **How did the proposed charter come about?**

On January 10, 2013, the Carlisle Borough Council approved an ordinance authorizing a public election to decide the question of whether to establish a government study commission to consider the adoption of an optional form of government or a home rule charter for the Borough of Carlisle. On May 21, 2013, citizens of Carlisle approved a government study commission and elected nine commission members.

## **Who are the Government Study Commissioners?**

William Berwick	Stephen Hughes
Bert Lennon	John Sacrison*
David Sheridan	Philip Shevlin
Blake Wilson	Robert Winston
Kenneth W. Womack	

\*Replaced James D. Flower, Jr. who was elected to the commission but passed away on October 12, 2013.

## **What does the government study commission do?**

Section 2918 of the PA Home Rule Law states, "The government study commission shall study the form of government of the municipality to compare it with other available forms under the laws of this Commonwealth and determine whether or not in its judgment the government could be strengthened or made more clearly responsible or account able to the people or whether its operation could become more economical or efficient under a changed form of government."

## **How did the government study commission approach this task?**

Section 2921 of the PA Home Rule Law requires the commission to report its findings and recommendations to the citizens of the municipality within 18 months from the date of its election if it decides to prepare and submit a proposed home rule charter. To meet this deadline, the commission used the following seven-step process recommended by the PA Department of Community and Economic Development:

- Orientation: organization meeting, learning powers/duties, working on budget and planning work
- Research: study current form of government and alternatives
- Make Decision: home rule, optional plan or no change
- Draft Charter
- Public Review and Discussion on Draft Charter
- Write Final Report
- Voter Education

## **What options did the government study commission have?**

The commission had to recommend one of the following:

- Maintaining the existing form of government
- Adopting an optional form of government
- Adopting a home rule charter

## **What kind of research did the commission do to make a decision to propose a home rule charter?**

On August 6, 2013, the commission held an initial public hearing to provide information to the public on the government study commission process and the opportunities available and restrictions under Home Rule and to ask for public input on issues in the current municipal government which citizens would like to see maintained and to specifically identify issues in municipal government which might be better addressed through a home rule charter.

From August – October 2013, the commission interviewed, in public sessions, current and former elected officials, the mayor and current and former borough managers from the Borough of Carlisle. In addition, the commission continued to receive public comment and recommendations at all public meetings.

The commission also studied the home rule charters of nine PA boroughs of similar size and complexion which had adopted Home Rule:

<b><u>Borough</u></b>	<b><u>Population</u></b>	<b><u>Adopted</u></b>
Bellevue	8,370	11/5/1974
Bethel Park	32,313	11/2/1976
Kingston	13,182	11/5/1974
Monroeville	28,336	5/21/1974
Murrysville	20,079	4/27/1976
Norristown	34,369	11/6/1984
State College	42,457	11/6/1973
West Chester	19,144	11/2/1993
Whitehall	13,948	3/31/1994

## **When did the government study commission make its decision to propose a home rule charter?**

On October 15, 2013 the commission conducted a public hearing to receive input on the key issues identified during its research and to make a preliminary decision to either maintain the existing form of government, to adopt an optional form of government or to adopt a home rule charter. The key issues identified were:

1. Process to select mayor and best role for the mayor
2. Election procedures
3. Citizen right to petition for initiative/referendum
4. An alternative to using the elected tax collector
5. Alternative procedures for borough purchasing/contracts
6. Code of ethics
7. Financial impact of home rule

On October 29, 2013, the commission held a public hearing and, after receiving public comment, voted unanimously to proceed with drafting a home rule charter. The commission determined, in its collective judgment, that a home rule charter would be necessary to address the issues identified in its research.

### **Does the proposed charter replace the PA Borough Code?**

No. Section 106 of the proposed charter states:

This Charter supersedes all Pennsylvania statutes, or parts of Pennsylvania statutes, and all Borough ordinances affecting the organization, government, and powers of the Borough, which are in conflict with the Charter's terms. All Pennsylvania statutes, and all Borough ordinances, not in conflict with the Charter, remain in full force and effect.

The proposed charter retains the best and most relevant parts of the PA Borough Code while making changes to the current Carlisle Borough government that strengthen it, make it more clearly responsible and accountable to the people, and provide opportunities for more efficient and economical government operations.

### **What are the major changes to municipal government in the Borough of Carlisle if the proposed charter is adopted by the voters (section number refers to the section in the proposed charter)?**

1. The office of elected tax collector is abolished and borough council will determine best method of collecting taxes. (§110)
2. Rather than seven council members and a mayor, there will now be a Borough Council (Council) consisting of six elected Council Members and a Mayor, all elected at large. The Mayor presides over the council. (§201)
3. There are term limits for all elected officials. (§208)
4. The Chief of Police will report to the Borough Manager, along with other department heads, rather than to the Mayor. (§301)
5. The charter provides for increased citizen participation by establishing procedures for initiative and referendum. (Art. VII)

Additional changes in the proposed charter include:

- Greater flexibility for council to establish purchasing and advertising requirements.
- Requires an administrative code (to include a code of accountability, conduct and ethics, a personnel code and a purchasing code)
- Neither the Mayor nor other members of Council shall direct or order the work of borough employees who are subject to the direction and supervision of the Borough Manager. The Mayor and other members of Council may, through the Borough Manager, make formal inquiries of borough staff and, through the Borough Manager, seek to coordinate routine constituent services.
- The Mayor shall be responsible for conveying Council's decisions on administration and policies to the Borough Manager for administrative action.

### **Will the proposed charter, if adopted, give the Council more authority to raise taxes?**

No. Council's power to levy and collect taxes under the proposed charter remains the same as it currently has under the PA Borough Code. Section 109 (Taxation) of the proposed charter states:

- A. Carlisle shall have the same power to levy and collect taxes as a borough has, or shall in the future have, under the Pennsylvania Borough Code, the Pennsylvania Local Tax Enabling Act, or under any existing or future act enabling a borough to levy taxes in the Commonwealth of Pennsylvania.
- B. In fixing the rate of any municipal tax which may be now or hereafter authorized by law, Council shall not exceed the limits established by the Pennsylvania General Assembly for boroughs.

### **If there is no elected tax collector, how will taxes be collected?**

Council could adopt one of several approaches to tax collection:

- Designate a borough department or bureau to collect taxes
- Joint with another governmental unit for consolidated collection of local taxes
- Appoint a qualified individual or private firm could be appointed

### **How will the new Council organization work?**

Six Council Members are elected by election at large. The office of Mayor is filled by election at large, and the Mayor constitutes the seventh member of Council. The Mayor will preside over Council, participate in actions by Council, and will have one vote. The Mayor will not have veto power. The Mayor will be the official representative of the borough and has the right to declare public emergencies pursuant to the Pennsylvania Borough Code. The Mayor is responsible for conveying Council's decisions on administration and policies to the Borough Manager for administrative action.

### **What are the term limits specified in the proposed charter?**

The proposed charter establishes term limits of two complete terms for Mayor and Council Members. Council Members who serve two consecutive full terms must wait until the next municipal election, two years later, to run for the office of Council Member. Mayors who serve two consecutive full terms must wait until the municipal election four years later to run for the office of Mayor. Council Members who serve two full consecutive terms may hold the office of Mayor immediately subsequent to completing the second consecutive term as Council Member and Mayors who serve two full consecutive terms may hold the office of Council Member immediately subsequent to completing the second term as Mayor.

### **How will the procedures for initiative and referendum work?**

Two citizen-led actions are defined by this article:

- Initiative – citizens may place a question on a municipal election ballot through a petition process to enact an ordinance.
- Referendum – citizens may place a question on a municipal election ballot through a petition process to repeal an ordinance.

Five registered voters may begin the petition process by presenting the full text of either a proposed ordinance or the ordinance to be repealed to the Borough Manager. After the Borough Manager determines the petition is sufficient, valid signatures from borough residents who are registered to vote, equivalent to ten percent of the number of votes cast in the borough for the most recent gubernatorial election, must be collected within a prescribed period of time. (Note: 4,887 voters voted in the November 2014 gubernatorial election.) If sufficient valid signatures are collected, Council shall promptly consider the proposed initiative ordinance for adoption or consider the referred ordinance by repealing it. If the Council fails to adopt the initiative ordinance within sixty (60) days, or to repeal the referred ordinance within thirty (30) days after the date the petition was found sufficient, it shall submit the proposed or referred ordinance to the voters of Carlisle at the next municipal election, whether primary or general election. 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.

**Can the proposed charter, if adopted, be amended?**

Charter amendments can be placed on the ballot either by action of the governing body or by petition of the voters. The petition or ordinance must contain the complete text of wording proposed to be added to the charter and identify any provisions to be deleted. However, the voters of any municipality which has adopted a home rule charter may not vote on the question of changing the form of government until five years after the home rule charter became effective.

**Can the proposed charter, if adopted, be repealed?**

Procedure for repeal of a charter is the same as that for charter adoption, that is, election of a government study commission, study of the existing form and available alternatives, recommendation and decision by the voters. No question on repeal of a charter can be presented to the voters within five years from the effective date of a home rule charter.

**How much did it cost for the commission to do its work and make its recommendation?**

The commission estimates the total cost for the commission to complete its work is approximately \$13,650.00. This includes clerical support, advertising, and mailing a copy of the final report to all Borough households.

Total Budget & Estimated Expenditures	13,652.83
Budget Appropriations	\$20,000.00
Estimated Unexpended Appropriation	\$ 6,347.17

**How much were government study commissioners paid to be on the commission?**

Government study commissioners serve without compensation.

**Who is eligible to vote on the proposed home rule charter?**

All Borough of Carlisle registered voters are eligible to vote on the proposed charter. Voters registered as independents should be aware that the home rule question will be on an independent ballot and are encouraged to come out and vote on this issue.

## **How can I find out other information about the proposed charter?**

Detailed information on the proposed charter, to include a summary of the key changes, the final report of the commission and the proposed charter, is available on the Borough of Carlisle web site, [www.carlislepa.org](http://www.carlislepa.org) (click the green tab “Government Study Commission” at the top right on the home page). Other information is also here including government study commission newsletters, briefings presented at public hearings, the Pennsylvania Department of Community and Economic Development (DCED) publication on Home Rule and other information.

All Borough of Carlisle households with mailing addresses will receive, in the mail, a copy of the final report and summary of the proposed charter. This mailing should reach borough households on May 1, 2015. All of the information in the mailing is available on the borough web site.

Watch the local newspaper for articles and letters to the editor on the proposed charter.

Anyone who has questions on the government study commission process or the proposed charter may contact the commission via e-mail at [sternheim@centurylink.net](mailto:sternheim@centurylink.net).