

Government Study Commission Public Hearing

October 29, 2013

Borough Hall
7:00 p.m.

David Sheridan

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Purpose

To make a decision on direction for the government study commission

- Recommend no change
- Study optional forms to recommend to electorate
- Draft home rule charter to present to the electorate

Agenda

1. Call to order
2. Presentation on Study Commission Process to date
3. Commissioners summarize Individual position on decision
4. Motion on decision
5. Public comment (limited to decision)
6. Commission discussion
7. Vote on decision
8. Approve minutes, October 15 and October 22nd
9. General commission discussion on next meeting and way ahead
10. Public comment
11. Adjourn

Function and duty of commission

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 accountable to the people or whether its operation could become more economical or efficient under a changed form of government.

53 Pa.C.S. 2918; Home Rule Charter and Optional Plans Law

Work Schedule for Home Rule

- 18 months to Complete
- 7 step process:
 - Orientation: organization meeting, learning powers/duties, working on budget and planning work
 - Research: study current form of government and alternatives
 - **Decision Making: home rule, optional plan or no change**
 - Drafting charter (if choosing home rule)
 - Review and public discussion on draft charter
 - Writing final report
 - Voter education

Research Phase

- Public Hearing on August 6th
- Studied home rule process, final reports and charters of nine boroughs that adopted home rule
- Interview current and former elected officials
- Interview current and former mayors
- Interview current and former borough managers

Key Findings – Research Phase

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

Optional Forms of Government

Optional Plans

Plan A. Executive (Mayor)-Council Plan (department of administration optional)

Plan B. Executive (Mayor)-Council Plan (department of administration mandated)

Plan C. Executive (Mayor)-Council Plan (provides for the office of managing director)

Plan D. Council-Manager Plan

Municipalities Adopting Optional Plans Gain:

- No home rule powers
- Remain subject to the provisions in the municipal code, except where it is superseded by structural provisions of the optional plan

Decision Tonight

Limited solely to the decision on how to proceed:

Home rule

Optional plan

No change

Decision Tonight

Whether or not adequately addressing the individual issues would require an optional form of government or home rule charter

Public Comment Guidelines

- Please use the microphone. State your name and address for the record
- Please limit comment to three minutes (to include questions)
- Please avoid making the same statement that someone else has made
- Commission members may ask questions for clarification

Please Help Us Out

- Please don't just tell us you are “for” or “against” home rule or an optional form of government;
- Please tell us whether or not the identified issues need to be addressed through an optional form of government or a home rule charter.

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Backup Slides

Mayor

- Should mayor be elected or appointed by council
- Should mayor have a vote on the council
- Should mayor have a greater executive role in borough government (appoint and supervise department heads)
- Should mayor or borough manager supervise police chief

Home Rule Charter

Optional Form of Government or Home Rule Charter

Election Procedures

- Size of council
- Elect council at-large, by wards or combination
- Term limits

Home Rule Charter

Optional Form of Government or Home Rule Charter

Citizen Right to Petition

- Right to be heard
- Initiative
- Referendum
- Recall

Home Rule Charter

Optional Form of Government or Home Rule Charter

Tax Collector

- Keep elected tax collector
- Require taxes to be collected by municipality
- Give council the authority to determine how taxes are collected

Home Rule Charter

Optional Form of Government or Home Rule Charter

Borough purchasing/contracts

- Advertising
- Limits for competitive bidding
- Require bidding for professional services

Home Rule Charter

Optional Form of Government or Home Rule Charter

Code of Ethics

Require a code of ethics for municipal government elected and appointed officials and employees

Home Rule Charter

Optional Form of Government or Home Rule Charter

Financial Impact of Home Rule

- Taxes
- Direct financial impact
- Indirect financial impact

Historic Reasons For Home Rule

- Residual powers – write own administrative code
- Increased citizen access – initiative & referendum
- Improved accountability & responsiveness
- Improved fiscal procedures & controls
- Flexibility
- Professional administration
- Wider representation
- Focused political leadership
- Separate legislative and executive functions
- Merit hiring & advancement

Considerations for Home Rule

- Forms of Government
- Structure of Government
- Operation and Procedures of Council
- Legislative Actions
- Elected Officials
- Appointed Officials
- Personnel
- Administrative and Fiscal Considerations
- Taxation

Home Rule Limitations

- U.S. & Pennsylvania Constitutions
- State Laws
- Arbitration/Labor Relations
- Boundary Change Law
- Independence of municipalities
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law