

Government Study Commission
Borough of Carlisle
53 West South Street
Carlisle, PA 17013

June 2, 2014
Public Hearing Minutes

Committee members in attendance: Ken Womack, Bert Lennon, Philip Shevlin, David Sheridan, Robert Winston, Stephen Hughes, Blake Wilson, William Burwick, John Sacrison and Secretary Joyce Stone

The meeting was held at Carlisle Borough Hall. Twenty-three citizens were in attendance.

Ken Womack called the meeting to order. The format of the hearing was explained along with the back ground process of the Government Study Commission. Mr. Womack stated the responsibility of this commission is to develop a charter that will make the Borough government run more efficiently and effectively.

Commissioners introduced themselves to the public. The Commission recognized the absence of James Flower, who was a member of the Government Study Commission prior to his passing.

Ken Womack encouraged the citizens to ask questions regarding the summary of key items from the proposed charter for Carlisle.

Following are the summary items along with the questions posed by the citizens and answers provided by the commission.

Summary of Key Items:

1. Abolishes the office of elected tax collector and directs council to determine best method of collecting taxes from a list of available options.

Q: Will the present Tax Collector complete his term?

A: Yes, the four year term will be completed before the changes are made by Council.

2. Maintains same power of taxation and tax rates as the current Borough Code.

The commission confirmed that the charter will follow the same limits as in the PA Borough Code. The language states:

Carlisle shall have the same power to levy and collect taxes as a borough has, or shall in the future have, under the Borough Code, the Local Tax Enabling Act, or under any existing or future act enabling a borough to levy taxes.

Q: Does the charter limit the amount of money paid to councilors?

A: It makes no changes to the limits provided in the PA Borough Code for mayor and council member salaries.

The Commission stated the taxation for the Borough of Carlisle will remain the same if the charter is passed or not passed in the election.

3. Establishes a seven member council, elected at large, with Mayor presiding.

The commission explained the Mayor will be elected as a member of Council with voting privileges and not a veto vote. The Mayor would be part of the governing body and still be the face of the borough.

Q: What happens in the event of a tie vote?

A: The agenda item would be continued to the next month's council meeting until passing at a future meeting.

Q: What would be done in the instance there was an abstention at each meeting and a tie vote remained?

A: The council would need to work together to pass or fail the agenda item.

The charter contains a provision that if there is not a conflict of interest on an agenda item a council member must vote on the item.

Q: Ms. Dawn Flower asked if the proposed non-interference clause implies the council must always ask questions through the council president.

A: The intent is that council members not directly task subordinates with actions that require resources (notifications of minor issues accepted (pot holes, etc.) The specific wording from the proposed charter is:

§ 205.Non-Interference of Elected Officials with Municipal Employees

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 Borough who are subject to the direction and supervision of the Borough Manager solely through the Mayor to the Borough Manager.

4. Enacts term limits for the offices of mayor and council members.

Ken Womack provided a breakdown of how term limits would be proposed in the charter.

- No Council Member or Mayor may serve for more than two consecutive full terms.
- Mayor who has served two consecutive terms shall not be elected to the office of Mayor again for four (4) years following the second consecutive full term.
- A Council Member other than the Mayor who has served two consecutive terms shall not be elected to the office of Council Member again for two (2) years following the second consecutive full term.
- A Mayor or Council Member who has been appointed by Council to fill a vacancy on Council shall not be deemed to have served a full term.

- Notwithstanding the above, any Mayor or Council Member having served two full consecutive terms may be subsequently appointed by Council to fill a vacancy on Council

Comments from citizens: Term limits may encourage other citizens to run for election if they know they will not be running against long term council incumbents.

Q: Do the term limits start over if elected for Council and Mayor after serving two terms in another position.

A: Yes

Q: If you are on council and run for Mayor do you keep your seat on council until the election is final.

A: Yes

The Commission and citizens discussed election by wards. Citizens can amend the Home Rule Charter to require elections by ward without having to have a government study commission. The commission decided against including elections by wards for several reason. Reapportioning, which would be required for election by wards, is extremely difficult to do based on population shifts. The process could take up to eight months to two years. The Commission was also concerned that including elections by wards might be such a significant issue that it would result in defeat of the charter.

5. All department heads, including the Chief of Police, to report to the Borough Manager.

There appeared to be broad support for this change.

6. Directs the council to enact an administrative code with specific guidance on personnel code, contracting and procurement, and a code of ethics.

The commission explained these different issues. The draft charter directs Council to adopt a personnel code that will address specific requirements. The Commission included language in the charter that will allow Council to set bid requirements with some flexibility which will save the Borough money. The draft charter requires Council to adopt an ethics code within a year from the time the charter is enacted.

The commission explained the position of a Deputy Mayor. In the event the Mayor becomes unable to serve, the selected Deputy Mayor will become Mayor and a new Deputy Mayor is selected.

7. Enables increased citizen participation by establishing procedures for initiatives and referendums.

The commission explained that initiatives can be brought to council to request changes. If the council does not approve the change the citizens have the right to have the issue placed on the ballot.

Q: Does the language in §706 D of the charter restrict the residents from submitting a referendum.

§ 706 D - The power of initiative and referendum shall not extend to any ordinance relating to the appropriation of money or levy of taxes.

A: After much discussion the Commission agreed this statement needs to be improved.

A citizen expressed concern that requiring signatures of 15% of the number of electors voting in the last gubernatorial election within the borough for initiative or referendum is excessive and recommended the percentage should be 8% or lower.

The commission explained that if a petition for an initiative or referendum was submitted it would most likely be on behalf of a group addressing a specific issue and the group would be able to attain the required signatures. In determining the threshold for the number of signatures the commission wanted to ensure the number was high enough to avoid frivolous initiatives and referendums.

Q: How would the referendum process change the Rental Ordinance if there was a Home Rule Charter?

A: Council would have to vote down the request for change and then citizens could start the process to place the initiative on the ballot.

The Commission will reconsider the number of signatures required for initiative and referendum.

Mr. Roger Spitz thanked the commission for their dedication and hard work to make Carlisle a better place to live.

Q: Are the Borough's pensions funds required to be funded at a certain level.

A: The state mandates the level of funding for all municipalities.

Ken Womack closed the meeting by stating the Commission will revise the draft charter and have a lawyer review the document. The Commission will then decide when to place the Charter the ballot for a citizen vote.

Meeting adjourned at 8:50 PM

Respectfully Submitted,
Joyce Stone,
Borough Secretary

Attachment: Power Point Presentation

Government Study Commission

Public Hearing

June 2, 2014

Borough Hall
7:00 p.m.

Purpose

To receive public comment on a preliminary draft charter

Overview

- Brief Introduction to Home Rule
- Review Summary of Major Changes
- Public Input
- The Way Ahead

Why We Are Here

On May 21, 2013, the citizens of Carlisle approved a government study commission and elected nine commissioners 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.

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

Things to Remember

This is not an adversarial process. The commission is here to develop a home rule charter that will improve the effectiveness and efficiency of municipal government. We need and want your help to do this.

Things to Remember

The final charter recommended to the citizens will address different issues. Everyone is not going to agree on how the commission addresses all of these issues. The commission's challenge is to develop a charter that hopefully will be not only acceptable, but indeed desirable, by most of Carlisle's citizens.

Again, Why We Are Here

“The most critical element of the commission’s relationship with the public is writing and distributing the commission’s final report.”

Pa DCED Publication “Home Rule in Pennsylvania”, page 24

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: Proceed with home rule charter (Oct 29, 2013)
 - Drafting charter (if choosing home rule)
 - Review and public discussion on draft charter
 - Writing final report (must be submitted by Nov 21, 2014)
 - Voter education

Summary of Major Changes

1. Abolishes the office of elected tax collector and directs council to determine best method of collecting taxes from a list of available options.
2. Maintains same power of taxation and tax rates as the current Borough Code.
3. Establishes seven member council, elected at large, with Mayor presiding.
4. Enacts term limits for the offices of mayor and council members.
5. Requires all department heads, including the Chief of Police, to report to the Borough Manager.
6. Directs the council to enact an administrative code with specific guidance on personnel code, contracting and procurement, and a code of ethics.
7. Enables increased citizen participation by establishing procedures for initiative and referendum.

Public Comment

The Way Ahead

- Review Draft Charter issues based on public input
- Revise Draft Charter
- Additional public hearing (if required)
- Legal Review
- Complete Draft Charter (w/legal review)
- Final public hearing
- Complete commission report (includes final charter recommendation)

Questions?