

Carlisle Government Study Commission Home Rule Charter

Summary of commission activities

Members of the Carlisle Government Study Commission, elected by Carlisle voters in the 2013 primary election, were sworn in by Judge Albert Masland on June 13, 2013. The nine members of the commission met on June 13, 2013 to organize and elect officers. Members were:

William Berwick
James Flower David
Sheridan Stephen
Hughes
Bert Lennon

Philip Shevlin, Jr. Blake Wilson Robert Winston Kenneth
Womack
John Sacrison (alternate)

Commission members elected Mr. Womack chair, Mr. Sheridan vice-chair, and Mr. Winston treasurer. Ms Joyce Stone, the borough secretary, was appointed by the borough manager to assist the commission in record keeping and in disseminating information to the public.

Mr. Flower was ill when the commission began its work, and was unable to attend commission meetings. Sadly, Mr. Flower died in October 2013. Mr. Sacrison, who had been attending all meetings as alternate, became a member of the commission.

The commission began a series of regular Tuesday evening meetings on July 9, assembling at Carlisle Borough Hall weekly through the early fall. During this period, current and past members of the borough council, current and past mayors, current and past borough managers, and the current chief of police were interviewed by the commission. The commission also consulted with representatives of the Pennsylvania Department of Economic and Community Development who had direct experience with the home rule process in other Pennsylvania communities. On October 15, 2013 the commission convened a public hearing to allow the community to provide input and to ask questions about the process. On October 29, 2013 the commission voted unanimously to proceed toward drafting a home rule charter.

Commission members formed several subcommittees to study a number of aspects of a potential charter:

- Charter Development and Compliance
- Government Structure
- Elections
- Citizen Participation
- Tax Collection
- Miscellaneous

Each commission member was assigned to two subcommittees, which met over a period of several months in the fall and winter of 2013 -2014 to draft prospective language for the Carlisle home rule charter. Additionally, each commission member was assigned one of nine Pennsylvania boroughs of similar size that had adopted home rule charters since the empowering legislation was passed in 1972. Commission members studied charters and reports issued by these municipalities and spoke to elected or appointed officials in each community. Commission members prepared briefing reports, which were presented to the commission and discussed.

The first draft of a home rule charter was prepared in April and May 2014, resulting in a document that was presented to the community in a June 2, 2014 public hearing. The commission met through the summer and fall of 2014 to incorporate public input and to refine the draft document. Finally, on September 23, 2014 the commission approved the final draft home rule charter, setting a date for a public hearing on October 22, 2014. The commission refined the charter document based on public comments and advice from legal advisors, and on November 18, 2014 voted to submit the charter to the Carlisle Borough secretary, to be forwarded to the Cumberland County Board of Elections for inclusion on ballots for the May 19, 2015 primary election.

What came before: the 1992 Government Study Commission

The voters of Carlisle elected a government study commission in 1991 to study the borough's form of government. This earlier commission met during a period of 14 months, from June 1991 through August 1992, producing a draft charter that was placed on the general election ballot in November 1992. The 1992 charter proposed to modify the borough's governance and administrative structure by:

- Eliminating the elected office of Mayor, instead having the seven-member Council elect a member of Council to preside over council meetings. This President of Council would be known as Mayor.
- Modifying the administrative structure to have the chief of police reporting to the borough manager, rather than to an elected mayor.
- Abolishing the elected office of tax collector.
- Establishing a process for citizen participation, to include initiatives for new legislation and referendums for repeal of existing legislation.

The voters of Carlisle voted to not accept the proposed charter in the 1992 general election.

Summary of proposed charter elements

The proposed charter consists of eight articles.

Article I-General Provisions

The intent of this Article is that the Borough of Carlisle continues to be governed in the manner defined by provisions of the Pennsylvania Borough Code, except for the provisions that are changed by the charter.

This article states that the name of the home rule municipality will remain "Borough of Carlisle". It also addresses tax collection, abolishing the elected office of tax collector and permitting the borough council to decide how to collect taxes. Council may adopt one of several approaches to tax collection:

- A borough department or bureau could be designated.
- The borough could join with another governmental unit for consolidated collection of local taxes.
- A qualified individual or qualified private firm could be appointed.

An individual or firm appointed to collect taxes would be required to be bonded. The kinds and rates of taxes will be defined by the Pennsylvania Borough Code, the legislation to which Carlisle has been subject since the passage of this legislation in the 19th century. Under home rule, the borough's taxing authority, including tax rates, will be limited to those allowed by the state-mandated Borough Code.

Article II-Elected Officials

Under the current borough government, Council hires the borough 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, such as the fire chief, do report to the manager). The Mayor, elected at large, attends any or all regular and special meetings of council and may take part in discussions on matters pertaining to borough affairs. However, the mayor votes only in cases of a tie vote by council. The Mayor also has the authority to veto measures passed by Council.

The commission believes that the current government structure is confusing and inconsistent with sound management practices. In addition, the commission believes that having the Mayor sit with Council and take part in discussions, 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.

This article addresses these drawbacks by establishing a borough council consisting of six members elected at large. The office of Mayor is filled by election at large, and the Mayor constitutes the seventh member of Council. Mayor and Council Members are elected to four-year terms. The Mayor will preside over Council, participate in actions by Council, and will have one vote. The Mayor will not have veto power. Article II also establishes term limits of two complete terms for Mayor and Council Members. Salaries of Mayor and Council Members will be limited by the Pennsylvania Borough Code. Council Members who reach the term limit would have to wait for at least two years, until the next municipal election, to run for a Council seat.

Section 206 includes a prohibition of elected officials being employed by the borough. Section 209 addresses the matter of salaries, establishing the maximum allowed by the Pennsylvania Borough Code as the amount of Council Member and Mayor salaries.

Article III - Administration

The Council will appoint a borough manager, to whom all department heads will report. The police chief, being a department head, will report to the manager. This structure has the merit of simplicity compared to the current structure.

Article IV - Personnel

This article requires Council to adopt a personnel code.

Article V - Finance

The process of developing and adopting an annual budget is defined. This article also empowers Council to establish a purchasing code for contracting and purchasing.

Article VI - Actions by Council

Council Members, including the Mayor, will be required to cast a vote on all actions taken by Council, unless the Council Member has a conflict of interest related to the matter. Since there would no longer be a tie-breaking vote by the Mayor, measures that result in a tie vote would fail, in keeping with standard parliamentary procedure.

This article also addresses the public participation and notification requirements for various actions by Council. Public hearings will be required for Council to take certain actions, including changes to zoning and land development regulations, new taxes or increases in tax rates, and salaries of elected officials. Public notification of every proposed ordinance will be made prior to the vote by Council.

Article VII-Citizen Participation

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. 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. If sufficient valid signatures are collected, the question will be placed on the next municipal election, whether primary or general election.

Initiatives and referendums will not be allowed for matters such as salaries of employees of the borough or for the terms of any collective bargaining agreements. Other areas that will not be subject to initiatives or referendums include tax rates, emergency ordinances passed by Council, and any issues precluded by the Municipalities Planning Code or by state law.

Article VIII-Transition

This article defines the process of transition from a borough form of government (the current form) to a home rule municipality form of government. Elected officials in office will continue to serve to the end of their respective terms. The article will also require Council to adopt an administrative code and an ethics code.

Because four Council seats will be on the 2015 ballot, the Council will consist of eight members for a period of two years. The Mayor and three members of Council elected in 2013 will serve out their respective terms. The four Council members elected in 2015 will join the Mayor and three Council members to comprise an eight-member council. In the 2017 election, the positions of Mayor and two Council members will be on the ballot, and beginning in January 2018 Carlisle will be governed by a seven-member council.

The powers and duties of the Mayor and members of Council will be as provided in the charter, beginning in January 2016.

Finally, how would the charter be amended?

After adoption, the charter can be amended by voters in a municipal election. The proposed amendment may be placed on the ballot by action of Council or by petition of the voters. Such a petition must be signed by at least ten percent of the number of people who voted for the office of governor in the most recent gubernatorial election.

CARLISLE HOME RULE CHARTER

We, the people of Carlisle, under the authority granted the citizens of the Commonwealth of Pennsylvania to adopt home rule charters and exercise the rights of local self-government, do hereby adopt this Home Rule Charter to establish a government responsive to the needs of the citizens of Carlisle, and accountable to them, now and in the future.

ARTICLE I General Provisions

§ 101. Name

The name of the Home Rule Municipality of Carlisle shall rename the Borough of Carlisle, and may be referred to in this Charter interchangeably as "Carlisle" or "the Borough."

§ 102. Boundaries

The boundaries of the Borough shall be the boundaries of the Borough of Carlisle at the time this Charter takes effect and as they may be lawfully changed thereafter.

§ 103. Powers

The Borough of Carlisle shall have, and may exercise, any power, and perform any function not denied, now or hereafter, by the Constitution of the United States, by the Constitution of Pennsylvania, by the General Assembly, or by this Home Rule Charter.

§ 104. Residual Powers in Council

All powers of the Borough pursuant to § 103 above shall be vested in Borough Council which shall be elected, organized, and function as provided in this Charter.

§ 105. Construction

The powers of the Borough under this Charter shall be construed broadly in favor of the Borough, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the Borough, except as limited in § 103 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the Borough or may hereafter become available.

§ 106. Statutes and Ordinances Superseded.

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.

§ 107. Definitions

The following words, when used in this Charter, shall have the following meanings:

1. "Charter" shall mean the Home Rule Charter adopted by the voters of the Borough of Carlisle;
2. "Council" shall mean the governing body of the Borough;

3. "Elector" shall mean any person legally residing within the Borough who has registered to vote and,
4. "Voter" shall mean any Elector who votes.

§ 108. Guarantees of Nondiscrimination

The Borough shall not deny to any person the enjoyment of any civil right, or discriminate against any member of a protected class.

§ 109. Taxation

- 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.

§ 110. Tax Collection

- A. The elected office of Tax Collector is hereby abolished and Council shall enact, by ordinance, procedures to collect, or cause to be collected, all taxes levied by the Borough.
- B. Where taxes for Borough purposes are collected by an appointee of Council, including an individual, a commercial firm or a corporation, a surety bond shall be as prescribed by Council.

§ 111. Severability

If this Charter cannot take effect in its entirety, because of the judgment of any court of competent jurisdiction holding invalid any part or parts hereof, the remaining provisions of the Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

ARTICLE II
Elected Officials

§ 201. Council

- A. Carlisle shall be governed by a seven-member Council. The Council shall consist of six Council Members, elected at large to staggered four-year terms, and a Mayor, elected at large to a four-year term.
- B. All Council Members and the Mayor shall be residents of Carlisle and registered voters, and shall have resided in Carlisle for at least one (1) year immediately prior to assuming office.
- C. A vacancy which occurs in the office of Council Member will be filled pursuant to the provisions of the Pennsylvania Borough Code.

§ 202. Organization of Council

The Council shall organize on the first Monday of January of each even-numbered year. If the first Monday is a legal holiday, the meeting and organization shall take place Tuesday, the next day. During the organizational meeting, Council shall elect one Council Member to serve as Deputy Mayor. The Deputy Mayor will chair meetings of Council when the Mayor is absent, and may exercise the authority of the Mayor as described in § 203 in the case of a temporary absence of the Mayor. The Council may transact any further business it deems necessary or appropriate at the organizational meeting.

§ 203. Mayor

- A. The Mayor shall preside over Council and sign all ordinances. The Mayor shall be the official representative of the Borough, shall have the right to declare public emergencies pursuant to the Pennsylvania Borough Code and shall have such other rights and duties as provided by law, this Charter, or ordinance. The Mayor shall chair the public safety committee and is an ex officio member of all other Borough committees. The Mayor shall vote as a member of Council and shall have no veto power.
- B. The Mayor shall be responsible for conveying Council's decisions on administration and policies to the Borough Manager for administrative action

§ 204. Vacancy in Mayor's Office

If the Mayor's office becomes vacant, the remaining Council Members shall elect, from its members, and within thirty days of the vacancy, 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. Should Council fail to select a Mayor within thirty days of the vacancy, the mayoral position will be filled pursuant to the provisions of the Pennsylvania Borough Code. If the Deputy Mayor is selected to be Mayor, Council shall also elect, from its members, a new Deputy Mayor.

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

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 Manager. The Mayor and other members of Council may, through the Manager, make formal inquiries of Borough staff and, through the Manager, seek to coordinate routine constituent services.

§ 206. Only Elected Officials

The Mayor and other members of Council shall be the only elected officials of Carlisle. No elected Borough official may serve as an employee of the Borough.

§ 207. Oath of Office

The Mayor and other members of Council, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania and no person shall be permitted to assume such office until the oath, in written form, is filed with the Borough.

§ 208. Term Limits

- A. Neither the Mayor nor other Members of Council may serve for more than two, consecutive, full terms.
- B. A Mayor who has served two, consecutive, full terms shall not hold the office of Mayor again for four (4) years following the second consecutive full term.
- C. A Council Member other than the Mayor who has served two, consecutive, full terms shall not hold the office of Council Member again for two (2) years following the second consecutive full term.
- D. An individual who has been appointed to fill a Mayoral or Council or Mayoral vacancy shall not be deemed to have served a full term.

§ 209. Salaries of Elected Officials

The salary of the Mayor and Council Members shall be the maximum salaries permitted by the Pennsylvania Borough Code for such public officials in boroughs of Carlisle's population. The Mayor and Council Members shall receive no other compensation, direct or indirect, for the performance of their Borough duties except as otherwise allowed by state law. They shall not be eligible for pensions or fringe benefits generally available to municipal employees; provided however, they shall be entitled to reimbursement for expenses actually incurred in the performance of their duties.

§ 210. Administrative Code

Council, shall, by ordinance, establish an Administrative Code, which shall include, but not be limited to:

- A. A Code of Accountability, Conduct and Ethics for all elected and appointed Borough officers, employees and members of agencies. This Code shall provide for the behavior of the Borough government officials and employees as set forth in Section 1103 of the Pennsylvania Public Official and Employee Ethics Act and the requirements set forth in the General Laws of the Commonwealth and in this Charter;
- B. A Personnel Code and,
- C. A Purchasing Code.

ARTICLE III
Administration

§ 301. Borough Manager

- A. Council shall appoint a Borough Manager, who shall not be a member of Council, and who shall become a resident of Carlisle within twelve (12) months of Manager's effective date of appointment. The appointment or dismissal of the Borough Manager shall be by affirmative vote of at least four members of the Council and dismissal need not be for cause. The Borough Manager shall be the chief administrative officer of Carlisle and shall be responsible to Council for the administration and management of all municipal affairs placed in the Borough Manager's charge.

B. The Borough Manager shall be bonded as provided by Council and shall be responsible for the following specific duties:

1. All personnel matters, including hiring, suspending, or removing any Borough employee;
2. The enforcement of the ordinances and regulations of Carlisle;
3. Directing and supervising the administration of all departments, offices and agencies of Carlisle and making recommendations to Council concerning the affairs of Carlisle;
4. Developing and delivering to the Council an annual budget;
5. Making such other reports as Council may require concerning the operation of the municipal departments, offices and agencies subject to the Borough Manager's direction and supervision;
6. Acting as Secretary of the Borough, or designating another to serve as Secretary, to preserve municipal records, certify their accuracy and completeness as necessary, attest the execution of all municipal documents, and record all ordinances;
7. Preparing, in consultation with the Mayor, the agenda for each Council meeting and,
8. Performing such other duties as may be determined by Council and set forth in the Administrative Code.

§ 302. Acting Borough Manager

The first work day of each calendar year, the Manager will notify Council of the name of another Borough employee authorized to assume the Manager's duties and responsibilities should the Manager be unable to perform them. Such delegation by the Manager is subject to Council's power to revoke said delegation and assign it to a different Borough employee.

ARTICLE IV
Personnel

§ 401. General Code Provision

Council shall adopt a Personnel Code which shall include, but not be limited to, the employment, supervision, discipline, discharge, resignation, and other pertinent matters of employees of Carlisle. The Personnel Code shall be part of the Administrative Code and shall be adopted by ordinance.

§ 402. Civil Service Commission

Carlisle shall maintain a Civil Service Commission consistent with applicable state law, as amended and supplemented from time to time, for overseeing the administration of Civil Service Rules and Regulations.

§ 403. Pension

Pension and retirement benefits for all Borough employees shall continue to be governed by

relevant provisions of state law, as amended from time to time, as pertains to the pension and retirement rights of Borough employees.

ARTICLE V Finance

§ 501. Fiscal Year

The fiscal year of the Borough shall commence on the first day of January and terminate on the last day of December. The fiscal year may be changed by ordinance, or shall be automatically changed when mandated by statute.

§ 502. Submission of Budget and Budget Message

On or before the thirtieth (30th) day prior to the end of the fiscal year, the Manager shall submit to the Council a budget and an accompanying message for the ensuing fiscal year.

§ 503. Budget Document

The budget document shall provide a complete financial plan of all Borough funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Borough Manager deems desirable or as Council may require. The budget document shall provide that the budget submitted for each fund is balanced and that the total of proposed expenditures shall not exceed the total of the estimated revenue.

§ 504. Budget Message

The budget message submitted by the Manager shall explain the budget both in fiscal terms and in terms of programs, policies, activities, and plans and should summarize the accomplishments and challenges of the past year and point to the major issues for the coming year. It shall outline the proposed financial policies of the Borough for the ensuing year; describe the important features of the budget; indicate any major changes in financial policies, expenditures and revenues from the current year, together with the reasons for such changes; summarize the Borough's debt position and include such other material as Council may request or as the Manager deems desirable.

§ 505. Capital Program

The Manager shall prepare and include as a separate section in the annual budget a capital program of capital expenditures of a nonrecurring and long-range nature, as the Borough Manager shall deem desirable or as Council may require.

§ 506. Notice and Hearing

Council shall publish, in a manner it deems appropriate, a general summary of the budget and a notice stating:

- A. The times and places where copies of the budget message and budget are available for inspection by the public and,
- B. The time and place, not less than ten (10) days after such publication, for a public hearing on the budget.

§ 507. Council Action on the Budget

- A. Following a public hearing, Council may adopt the budget with or without amendment, provided that the budget is balanced.
- B. Council shall adopt the budget by resolution on or before the last day of the fiscal year then ending.
- C. Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated.

§ 508. Public Records

Council shall make copies of the budget and the capital program available to the public at the Borough Office and in any additional manner it deems appropriate.

§ 509. Supplemental Appropriations

If, during the fiscal year, there is evidence of a need for a supplemental appropriation, Council may, by resolution, make such appropriations in an amount not to exceed available, unencumbered revenue in excess of that estimated budget.

§ 510. Emergency Appropriations

To meet a public emergency affecting life, health, property, or the public peace, Council may, during the year, by ordinance, make emergency appropriations. To the extent that there is not available unencumbered or unappropriated revenue to meet such emergency appropriations, Council may, by ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but such notes and renewals of any fiscal year shall be repaid not later than the last day of the fiscal year next succeeding that in which the emergency appropriations were made.

§ 511. Reduction in Appropriations

If, at any time during the fiscal year, it appears the revenue available will be insufficient to meet the amounts appropriated, Council shall take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may, by resolution, reduce or eliminate one or more appropriations.

§ 512. Transfer of Appropriations

At any time during the fiscal year, the Manager may transfer appropriations within an office or department. Council may, at any time during the fiscal year, transfer appropriations among departments and funds.

§ 513. Limitations, Effective Date

No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

§ 514. Lapse of Appropriations

Every appropriation not encumbered shall lapse at the end of the fiscal year.

§ 515. Independent Audit

Council shall provide for an independent, annual, audit of all Borough funds by a qualified outside auditor who has no personal interest, direct or indirect, in the fiscal affairs of the Borough or any of its elected or appointed officials. Council may provide for more frequent audits, as well as special audits, as it deems necessary. The auditor's report, together with the auditor's recommendations, and a complete financial statement of the fiscal affairs of the Borough shall be presented to Council no later than the last day of the fourth month following the fiscal year being audited. Following receipt of the auditor's report by Council, a summary of the financial statement and auditor's recommendations regarding the audit shall be published on the Borough's website and as otherwise directed by Council.

§ 516. Contracts and Purchasing

- A. Council shall enact a Purchasing Code which shall be a distinct section of the Administrative Code. All contracts for supplies, material, labor, services, or other valuable consideration shall be in accordance with this Purchasing Code.
- B. The Purchasing Code may provide for bid limits no more than 25% higher than the base amounts specified in the Pennsylvania Borough Code as amended from time to time.

ARTICLE VI
Actions by Council

§ 601. Forms 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 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 Council members present shall be required to vote in either the affirmative or the negative on all matters as to which a Council vote is taken. A Council member required to recuse him or herself who has, in public session and before the vote, announced the basis for the recusal, may abstain.

§ 602. Ordinances

- A. In addition to any other actions required by law, or by this Charter, to be taken by ordinance, those actions of Council shall be by ordinance which:
 - 1. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
 - 2. Establish and levy taxes, and decrease or increase the rates of existing taxes, subject

to the limitations of § 109;

3. Grant, renew, or extend a franchise;
 4. Establish, alter, or abolish rates charged for any utility or other major service supplied by the Borough;
 5. Authorize the borrowing of money;
 6. Purchase, convey, lease, or authorize the purchase, conveyance, or lease of real property;
 7. Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion;
 8. Create, alter or abolish any commission, committee, board, authority, or any other similar agency and,
 9. Establish, alter, or amend any zoning, subdivision, land development, land use, or building ordinance or regulation.
- B. Council shall cause to be published, in a manner it deems appropriate, no more than 30 days nor fewer than 10 days prior to enactment (with the 10th day not being the day of the vote), notice of every proposed ordinance. Publication shall include a brief summary of the proposed ordinance setting forth, in reasonable detail, the proposed ordinance's provisions as well as direction to the location(s), within the Borough, where the proposed ordinance may be examined. The full text of the ordinance shall be available at the Borough Office, and other locations as Council may determine, at least 10 days prior to consideration, which 10th day shall fall on the day prior to the day when Council shall vote on the proposed ordinance.
- C. In the event material amendments are made to the proposed ordinance before consideration by Council, Council shall cause to be re-published the proposed ordinance, as amended, consistent with paragraph B above.
- D. Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the Secretary, who shall affix the official seal of the Borough to the original copy of each ordinance. The verification shall be considered the action of Council in accordance with the Charter. The effective date of the ordinance shall be the date of its passage unless a later date is specified in the ordinance or required by law.
- E. No final action shall be taken on the following types of ordinances, and amendments thereto, without public hearing thereon. Notice of public hearing shall be included in the notice of the proposed ordinance described in § 602B above.
1. Zoning ordinance and amendments thereto.
 2. Adoption of the zoning map and amendments thereto.
 3. Subdivision regulations.
 4. Land development and land use regulations.
 5. New taxes or increases in the rates of existing taxes. No prior public notice shall be

necessary for the reenactment of taxes levied annually at the same rate.

6. Budget.
 7. Amendments to the budget.
- F. Within ten (10) days of final approval of an ordinance, the Borough Secretary shall publish the adopted ordinance on the Borough's official web site. The Borough Secretary shall cause the full text of any ordinance, with proof of publication, to be recorded in a permanent record book within thirty (30) days after its final adoption. The permanent record book shall be open and available for public inspection during normal Borough office hours.
- G. Notwithstanding the provisions of this Article, Council may, in the event of a substantial public emergency affecting the life, health, property, and peace of the citizens of Carlisle, adopt one or more emergency ordinances, but such ordinances shall not levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter.
1. An emergency ordinance shall be so designated and shall clearly state the nature of the emergency in specific terms.
 2. No prior publication of an emergency ordinance shall be required, and Council may adopt an emergency ordinance at any regular, special or emergency Council meeting during which it is introduced.
 3. An emergency ordinance shall become effective immediately, shall automatically stand repealed as of the thirty-first day following the date of its adoption, but may be reenacted as provided therein if the emergency still exists.
 4. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
 5. An emergency ordinance shall be advertised as soon as possible after the date on which it is enacted, as shall any ordinance repealing an emergency ordinance.
 6. Council may by ordinance empower the Mayor to declare a state of emergency and exercise such powers as stated in the ordinance.
- H. The penalty for the violation of any ordinance shall not exceed the maximum penalty that may be levied by any non-charter borough in the Commonwealth of Pennsylvania. However, any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and be punishable as such.

ARTICLE VII
Citizen Participation

§ 701. General Provisions

Council shall protect and promote the right of the citizens of the Borough to participate in a positive and constructive manner in the government of the Borough. Subject to and in accordance with this Charter, any citizen of the Borough may participate in the government of the Borough by:

- A. Seeking elected office and voting for the elected officials of his or her choice;
- B. Serving on boards, commissions, authorities, committees or other agencies of the Borough;
- C. Attending and being heard at public meetings of Council and other boards, commissions, authorities, committees or agencies of the Borough and,
- D. Exercising the right of initiative and referendum as provided in this Charter.

§ 702. Council shall appoint qualified citizens to boards, commissions, authorities or other agencies of the Borough, making the greatest possible use of the talents and interests of such citizens, thereby promoting the public interest and welfare of the Borough.

§ 703. Citizen Notification

Reasonable opportunity will be provided for the public to receive in a timely manner, by mail or otherwise, copies of public notices and advertisements, meeting agendas, meeting minutes, and other public records. Council shall establish procedures for meaningful public input at meetings.

§ 704. Initiative

Borough residents shall have the power to propose ordinances to the Council in accordance with the provisions of this Charter. If the Council fails to adopt said ordinances without change in substance, electors may pursue the initiative process prescribed in succeeding sections of Article VII.

§ 705. Referendum

Borough residents shall have the power to propose to the Council repeal of any existing ordinance. If Council fails to repeal said ordinance, electors may pursue the referendum process prescribed in succeeding sections of Article VII.

§ 706. Limitations on Initiative and Referendum

- A. An initiative or referendum effort may extend to all subject matters with the exception of the following:
 - 1. Salaries of Borough employees, provisions of collective bargaining agreements, and matters precluded by the Pennsylvania Municipalities Planning Code or other state law;
 - 2. The appropriation of money or the levy of taxes;
 - 3. Any emergency ordinance and,

4. Any matter upon which Council is prohibited from legislating.
- B. Initiative and referendum are further limited by the following:
1. If an initiative or referendum would affect the revenues or expenditures of the Borough, Council may require that its effective date be the onset of the succeeding fiscal year and,
 2. An initiative or referendum which proposes changes in a Borough project which involves the issuance of bonds shall be filed with the Borough Manager within sixty (60) days of approval by Council of the annual budget, if the budget contains such a project, or within sixty (60) days of Council approval of a budget amendment containing such a project.

§ 707. Petition Committee Procedures

A committee of five (5) or more Borough electors constitutes a petition committee. Such committee is entitled to commence the initiative or referendum process by filing with the Borough Manager a statement describing the names of committee members, those committee members' home addresses, and the full text of either the proposed ordinance or the ordinance to be repealed. The Borough Manager, after determining that the petition is sufficient according to these requirements, and according to the provisions of Section 706 above, will promptly provide the requisite petition forms to the petition committee. The Borough Manager will certify the date on which such forms were provided.

§ 708. Petition Requirements

- A. The petition form and content must be uniform and shall contain the full text of the proposed ordinance or the full text of the ordinance to be repealed.
- B. Signers of the petition shall be electors of the Borough. The signature of each person signing a petition shall be in ink and shall be accompanied by the signer's printed name, address, and date.
- C. On the back of each page of each petition form, the circulator(s) shall attest to the authenticity of the signatures.
- D. Petition forms in support of an initiative or referendum must, in total, bear the signatures of at least ten per cent (10%) of the number of Borough electors voting in the most recent gubernatorial election within the Borough. Signed petition forms shall be filed with the Borough Manager no later than 90 days from the date on which the Borough Manager provided the requisite forms. Signatures affixed before that date are invalid.

§ 709. Procedures for Submitted Petitions

- A. The Borough Manager, within thirty (30) days of receipt of the signed petition forms, shall determine whether the forms have been signed by the requisite number of Borough electors and whether any signatures were prematurely affixed. If the petition forms are sufficient, the Borough Manager will, through a written and dated communication, so inform the petition committee. If there is a deficiency in the petition forms, the Borough Manager will, through a written and dated communication, return the deficient form(s) to the committee and describe the deficiency.
- B. The petition committee, within ten (10) days of receipt of the returned, deficient petition form(s), may submit a supplemental petition form(s) to the Borough Manager.

- C. The Borough Manager, within five (5) days of receipt of the supplemental petition, will examine it and, should the Borough Manager find it deficient, notify the petition committee.
- D. The petition committee, within ten (10) days of receipt of notice of the deficiency, may submit an additional, supplemental petition form(s), or request that Council review the Borough Manager's determination. Council review of a petition found deficient by the Borough Manager must be sought no more than two (2) days after the petition committee's receipt of the Borough Manager's notice of deficiency.
- E. Council shall determine the sufficiency of the petition form(s) at its next regular meeting, or no more than thirty (30) days after the date the forms were submitted to Council for review.

§ 710. Action on Petition

- A. When the initiative or referendum petition has been found sufficient, the 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.
- B. The vote on the proposed or referred ordinance shall be held at the next primary, municipal, or general election in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania.

§ 711. Election Results

- A. 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.
- B. Any ordinance so proposed by petition, whether passed by Council or adopted by a vote of the electors, cannot be repealed or amended within two (2) years of its effective date.
- C. Any ordinance so repealed by petition, whether by action of Council or vote of the electors, cannot be reenacted by Council within two (2) years of its repeal date.

ARTICLE VIII Transition

§ 801. Continuity

- A. All rights, claims, actions, orders, contracts and legal administrative proceedings to which the Borough is a party shall continue except as modified pursuant to the provisions of this Charter.
- B. All Borough ordinances, resolutions, rules and regulations which are in force at the time this Charter is adopted and not inconsistent with the provisions of this Charter shall continue in force until amended or repealed. All ordinances and resolutions continued in force on the effective date of this Charter shall be construed as if enacted under this Charter, but as of the date of their original enactment.

- C. All Borough departments, bureaus, administrative units, offices, agencies, authorities, boards and commissions shall continue in existence and in accordance with current procedures, rules and regulations, until modified by the provisions of this Charter. All appointed members of boards, commissions, authorities, or other agencies shall continue in office with the same or similar bodies for the remainder of the term of their original appointment.
- D. The Borough shall continue to own, possess and control all rights and property of every kind and nature, owned, possessed or controlled by it when this Charter takes effect, and shall be subject to all its lawful debts, obligations, liabilities and duties.

§ 802. Effective Date of Charter

Upon approval in the manner provided by law, this Charter shall take effect January 1, 2016.

§ 803. Elected Officials

- A. Officials of the Borough elected by vote of the electors, or appointed to fill a vacancy in any such elected office, who shall have assumed office prior to January 1, 2016, shall hold such office until their respective, then-prescribed, terms shall expire, but their powers and duties, if any, shall be those prescribed in this Charter or those to be exercised pursuant to this Charter. Vacancies occurring in any office that is not provided for as an elective office by this Charter shall not be filled.
- B. The Mayor and three incumbent members of Council, whose terms commenced in January, 2014 shall continue to serve their full, unexpired terms on Council after this Charter takes effect. The four Council Members elected to four-year terms commencing in January, 2016 will serve their full terms. The Council shall temporarily consist of the Mayor and seven Council Members commencing January, 2016. A Mayor and two Council Members shall be elected to four-year terms commencing January, 2018 and Carlisle shall thenceforth be governed by a Mayor and six Council Members as specified by Article II of this Charter.
- C. The Borough Tax Collector shall continue in office with the same duties, responsibilities and compensation until the expiration of his or her current term of office or until the office becomes vacant, whichever first occurs. When the current office of Tax Collector shall become vacant, as provided in this Charter, the elected office of tax collector shall cease to exist, and the duties performed as directed by §110 of this Charter.

§ 804. Administrative Code

No later than January 15, 2017, the Council shall, by ordinance, adopt an Administrative Code, as specified in § 210 above, which shall be binding on both elected officials and administrative employees of the Borough.