

BOROUGH OF GREENVILLE

Public Meeting - Home Rule

February 20, 2018

Greenville Senior Center

7 pm



CONSIDERATIONS –

- **Review – Borough Form of Government**
- **Home Rule in Pennsylvania**
- **Home Rule Study Commission**
- **Greenville Borough within Regional Context**
- **Home Rule Study and Implementation Timeline**
- **DCED Support for Home Rule Study and Transition to Home Rule if Charter Adopted by Voters**

BOROUGHES IN PENNSYLVANIA – UNDER BOROUGH CODE

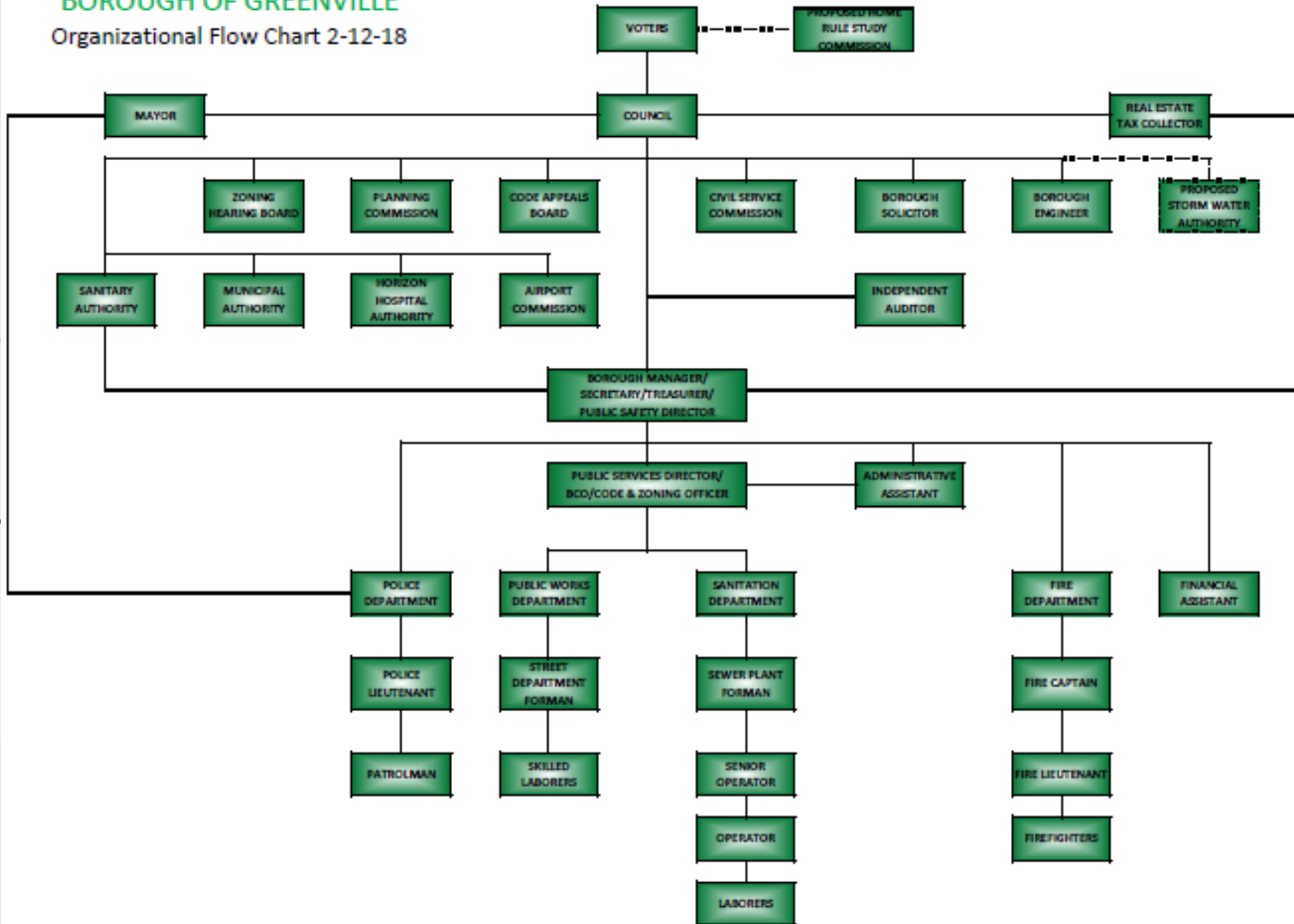
- **Since the 1800s, boroughs have had a weak mayor council form of government. Boroughs are governed by the Borough Code, US and PA Constitutions and general state statutes.**
- **Council, elected for 4 year staggered terms, is the governing body and is responsible for making policy and adopting ordinances.**
- **Council's power and authority encompasses administration, finance, public safety, public works, and code enforcement.**
- **President of Council is the chief elected official.**
- **The Mayor, elected for a 4 year term, administers the police and fire departments.**

BOROUGHS IN PENNSYLVANIA – UNDER BOROUGH CODE (cont.)

- **Other borough elected officials are the tax collector and auditors (unless the council opts to contract with a professional auditor)**
- **The Borough Manager, appointed by Council, is the chief administrative officer of the municipality. The manager is responsible for carrying out the policies and enforcing the ordinances of council. (Ordinance 849 1963)**
- **Other officers appointed by the borough council are the treasurer, solicitor and engineer.**
- **Council has the authority to appoint members of a variety of boards and commissions.**

BOROUGH OF GREENVILLE

Organizational Flow Chart 2-12-18





Home Rule Primary Election Ballot Question:

“Shall a government study commission of seven (7) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of a Home Rule Charter; and if advisable, to draft and to recommend a Home Rule Charter?”

Ordinance 1578 adopted Borough Council January 8, 2018



HOME RULE IN PENNSYLVANIA

Act 62 of 1972 - Home Rule and Optional Charters Act

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.

A home rule charter has been likened to a local constitution for the municipality. The home rule municipality can exercise any power or perform any function not denied by the United States or Pennsylvania constitutions, the General Assembly or its own home rule charter. It is not subject to the municipal codes, the Borough Code in Greenville's case.



General Statutory Law - Affects All Municipalities:

- **Municipal Police Training & Education**
- **Public Employee Collective Bargaining**
- **Local Government Debt**
- **Municipal Authorities**
- **Municipal Pensions**
- **Right to Know – hazardous materials**
- **Municipal Boundary Change**
- **Open Records**
- **Ethics**
- **Sunshine – Open Meetings Home**
- **Local Tax Enabling (Act 511)**
- **Local Tax Collection (Countywide)**
- **Local Taxpayers Bill of rights**
- **Records Retention & Disposition**
- **Municipal Planning (Act 247)**
- **Municipal Financial Recovery (Act 47)**
- **Storm Water Management**
- **Sewage Facilities (Act 537)**
- **Emergency Management**
- **Municipal Recycling (Act 101)**
- **Municipal Waste Management**
- **Uniform Construction Code**
- **Intergovernmental Relations**
- **LERTA**



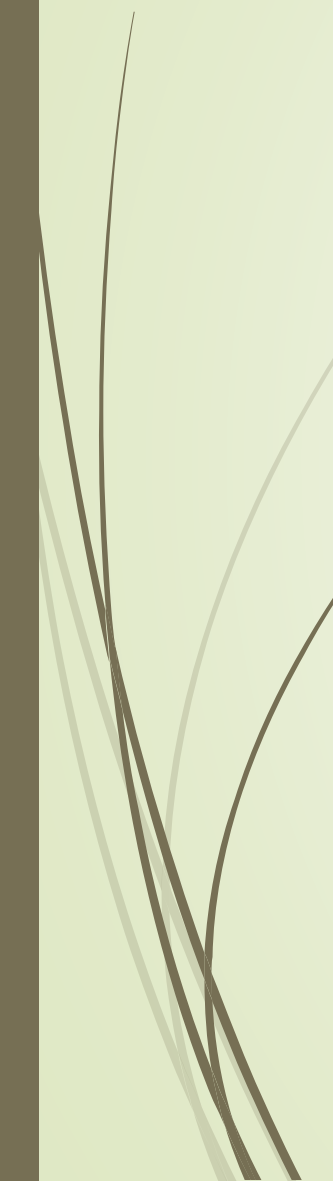
Title 53 PA General Assembly – Subchapter E General Powers and Limitation of Home Rule Charter Municipalities

§ 2966. Continuation of office of existing elective officials.

All elective officials in office at the time of the adoption of a home rule charter shall continue in office until their terms expire.



ELECTING MEMBERS - GOVERNMENT STUDY COMMISSION

- **Members of the Home Rule Study Commission are elected at the same time as the question regarding a government study commission is on the ballot.**
 - **Voters who oppose the creation of a government study commission are expected to vote for members of the commission.**
- 

RATIONALE - HOME RULE STUDY COMMISSION

- Commission members perform many of the functions traditionally exercised by the General Assembly. *Pennsylvania courts have held that home rule charters have the force and status of legislative enactments.*
- The seriousness and commitment the commissioners bring to their deliberations will greatly determine the impact of their recommendations. The commission's work will likely have a long-term influence on the governing, organization and administration of their local government. It is expected to comprehensively review, study and analyze their community's governmental structure.
- Unlike many studies, the commission's recommendations are promptly placed before the voters for their review and adoption.
- The government study commission process provides the opportunity to initiate the kind of governmental review not otherwise possible. Divorced from needs to operate the government or to position for partisan advantage, the citizen members of the government study commission can turn their full attention to the improvement of their local government.



ELIGIBILITY – HOME RULE STUDY COMMISSION

- Home rule study commissioners are elected on a *non-partisan* basis.
- Candidates for home rule study commissioner must be registered voters of the borough.
- Current local, school, county and state elected officials are eligible to serve as members of the home rule study commissions as well as persons covered by local or state civil service regulations.

HOME RULE STUDY COMMISSION – NOMINATION PAPERS

- Candidates are nominated by filing nomination papers.
- The nomination papers must include the name and address of the candidate, identify the person as a candidate for the office of government study commissioner, and state the signers are legally qualified to vote for the candidate.
- The nomination papers may not carry any political party designation or slogan.
- Nomination papers may be circulated and signed within a time period between the 13th and the 10th Tuesday before the election. (February 13 – March 6, 2018)
- Candidates must obtain signatures of registered voters equal to at least two percent of the number of votes cast for governor in the last gubernatorial general election within the municipality, or 200 registered voters whichever is less.



HOME RULE STUDY COMMISSION – NOMINATION PAPERS (cont.)

- **Each voter signing a nominating paper must list their occupation and residence, including street number and post office address. Each voter may sign nominating papers for as many candidates as the number of members proposed for the government study commission.**
- **Each nomination paper must be accompanied by an affidavit of one or more of the signers, affirming the paper was signed by each signer in their proper handwriting, that to the best of the signer's knowledge all signers are registered voters of the municipality, and that the purpose of the paper is to endorse the candidate named for the office of government study commissioner.**



HOME RULE STUDY COMMISSION – NOMINATION PAPERS (cont.)

- **Each nomination paper must have attached an affidavit signed by the candidate, consenting to stand as a candidate at the election, and promising to take office and serve, if elected.**
- **Candidates filing nomination papers for home rule study commissioner do not have to pay a filing fee since they serve without compensation.**
- **Nomination papers must be filed no later than the tenth Tuesday prior to the date of the election. (March 6, 2018)**



ETHICS LAW DISCLOSURE STATEMENT

- **The State Ethics Commission has ruled candidates for the home rule study commission must file ethics law disclosure statements. Forms are available from the Mercer County Board of Elections.**



CAMPAIGN FINANCE REPORTS

- **Candidates for government study commissioner are subject to campaign finance reporting requirements.**
- **Most candidates for government study commission will have minimal, if any, campaign receipts or expenditures. Candidates spending less than \$250 are required only to file a notarized statement attesting that fact with the county board of elections. When candidates file their nomination papers, they will be given the appropriate form by the Mercer County Board of Elections.**



HOME RULE STUDY COMMISSION - ROLES/RESPONSIBILITIES

- **serve as representatives of the community at large**
- **examine the current local government to identify its strengths and weaknesses**
- **look outside the municipality for best practices**
- **consider alternatives and select an option for public approval**
- **present a clear, logical and consistent report in support of a home rule charter or maintaining the existing form of government**
- **conduct the commission's work in a manner which will win the respect of the citizens and educate and encourage citizens, civic and business groups and officials to participate**
- **exercise wisdom, practical judgment and enthusiasm to complement legal, social and/or political expertise**



Example - Hermitage PA Home Rule Study Commission (11 – 18 month time frame)

- Month 1 - Commission *organization and orientation***
- Months 2 & 3 - Members studied forms of local government by interviewing officials of other municipalities, attending workshops and meeting with government study commissions.**
- Months 4 & 5 – Municipal officials were interviewed and members studied printed materials. A series of weekly work meetings was held to *draft the charter*.**
- Month 6 - Commission reviewed the charter.**
- Months 7 – 8+ - Commission met with township officials for their reaction, and a second series of *open meetings* gathered public reaction on the draft.**
- Last 3 months - Charter was finalized and the report prepared and submitted.**



ACT 47 COMMUNITIES – HOME RULE

Clairton (City)	1988	Council Manager (exit 2015)
Johnstown (City)	1993	Council Manager
Plymouth (Borough)	2011	Council Manager (exit 2016)
Nanticoke (City)	2011	Council Manager (exit 2015)
Altoona (City)	2014	Strong Mayor (exit 2017)



**NEXT PUBLIC MEETING – HOME RULE CHARTERS
APRIL/MAY 2018**

