

# Concord Township Government Study Commission



PENNSYLVANIA  
ECONOMY LEAGUE  
Information, Insight, Integrity.

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# Pennsylvania Economy League



Pennsylvania's leading independent, nonprofit, public policy research and development organization for over 75 years

Provides independent research and analysis on emerging issues to stimulate public and private action, making Pennsylvania a better place to live, work, and do business

Works with public and private sectors from regionally based offices located statewide

Goal to create a knowledgeable corporate and civic community that will help ensure the economic competitiveness of the Commonwealth and its regions

# Pennsylvania Economy League



## Recent Home Rule Experience

- Plymouth Township (Luzerne County) (2010-11)
- Nanticoke City (2010-11)
- Luzerne County (2003 and 2010)
- Clinton County (2006)
- Lancaster County (staff support) (2005-06)
- Boundary Change/Home Rule
  - Lower Alsace Twp. Mount Penn Boro.

## Role of Commission Members

- Study, review, analyze, and evaluate—this is not an inquisition
- Learn about structure and operations
- Interview current and past Township officials
- Determine strengths and weaknesses
- Meet with reps of other townships and experts
- Study other forms of township government
- Meet with officials of other home rule municipalities

## Conclusions/Recommendations--After study and deliberations – and at least one public hearing:

- No fundamental change--but could offer nonbinding recommendations
- Recommend a Home Rule Charter or an Optional Plan
- Home Rule Charter or Optional Plan requires public vote/referendum

# Generic Time Frame



## Public vote/referendum on OP or H R Charter

- **Any** election occurring no sooner than 60 days after report is filed.

## Implementation of OP

- No sooner than first Monday in January following municipal primary and general election.

## Implementation of H R Charter

- As determined by charter, but in most cases no sooner than January following municipal primary and general election.

# Local Government Basics



- Federal system of government
- Local governments are creatures of the state
- Dillon's Rule
- History of relationship
- Constitutional Convention of 1967-68

# Pennsylvania Constitution, Article IX, Sec. 2



Municipalities shall have the right and power to frame and adopt home rule charters. Adoption, amendment or repeal of a home rule charter shall be by referendum...A municipality which has a home rule charter may exercise any power or perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.

# Act 62



## Procedures and Guidelines for Adopting Optional Plans and Home Rule Charters

### Home Rule provides opportunity for:

- Reversing traditional relationship
- Shifting responsibility from state legislature to local citizens
- Flexibility in defining the structure, powers, and functions of our county
- Creating a governmental that best meets the particular needs of our county

### Optional Plan provides opportunity for:

- Changing only the structure of government--the traditional relationship with the state remains as is and the code continues to control

# Optional Plan of Government



What is an optional plan of government.....

- Opportunity to change only the form of government using a specific list of options and sub-options
- Traditional relationship with the state remains essentially as is
- Second Class Township Code continues to control

## Forms defined in Optional Plans Section of Law

- Executive (Mayor)/Council Plans A, B, C
- Council/Manager Plan
- Existing County Form (NA)
- Small Municipality (NA Under 7,500 pop.)

# Structuring an Optional Plan



## Sub-options

- Council of 3, 5, 7, or 9/election at-large, by district, or combination
- Mandate Department of Administration/Managing Director
- Elect Mayor/executive
- Appoint a manager
- Common generic options
  - Conflict of interest
  - Filling vacancies
  - Legislative action
  - Audit and control
  - Etc.

# Optional Plan Time Frame



## Report findings and recommendations:

- Optional Plan w/out districts (9 months max)
- Optional Plan w/districts (11 months max)
- May amend up to 60 days before referendum

Public vote/referendum

Implementation Date

# Home Rule Charter



A Constitution for the Township

Scope of Powers

Form of Government

Other Matters

General Provisions

# Major Principles of Home Rule

Reverses traditional relationship

Shifts responsibility from state legislature to local citizens

Allows for self-determination

Allows for flexibility in defining the structure, powers, and functions of Township government

Creates a government that best meets the particular needs of the Township

# Home Rule Concept



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.

Under the state code, you can only do what is permitted by law. Under home rule, you can do anything not prohibited by law.

# Historic Reasons for Home Rule

- Checks and balances/Improved accountability
- Separate legislative & executive functions
- Improved fiscal procedures & controls
- Wider representation
- Professional administration
- Residual powers--write own administrative code
- Focused political leadership
- Increased citizen access--initiative & referendum
- Improved flexibility & responsiveness

# Home Rule Limitations



United States Constitution

Pennsylvania Constitution

State laws

- **Specific restrictions--Act 62**
- **Laws that are uniform & applicable throughout the Commonwealth**
- **Laws directed expressly at home rule governments**

The charter itself

# Restrictions in State Law



Arbitration/Labor Relations

Boundary Change Law

Municipal autonomy

Election Code

Ethics Law

Recall

Reapportionment

Sunshine Law

Open Records Law

Local Agency Law  
Tort claims  
Unit Debt Act  
Taxation subjects  
Court appointed personnel  
Veterans preference  
Clean streams  
Sewage Facilities Act  
Storm Water Management Act

# Specific Restrictions

Recycling & Waste Reduction Act

Vehicle Code

Firearms/hunting regulations

Private business limitations

Regulation of utilities

Eminent domain

Zoning - Pennsylvania Municipalities Planning Code

# Charter Drafting

## Define Powers

May exercise any powers not denied by

- **US or State Constitution**
- **the Charter itself**
- **the General Assembly from time to time**

All grants of powers liberally construed

Determine Form of Government

Retain current structure with or without modifications

Mirror forms in Optional Plans Section of Law

# Charter Drafting

## Governing body

- Size
- District, at-large or combination
- Full-time vs. part-time
- Qualifications
- Length of term/term limits
- Powers & duties
- Compensation
- Rules and procedures

# Charter Drafting

## Executive/administrative

- Elected executive (w/ or w/out administrator)
- Appointed Township manager
- Stick with Supervisor form
- Powers & duties
- Salary
- Length of term/term limits
- Qualifications
- Etc.

# Charter Drafting

## Other Matters

- Executive Departments
- Budget and Finance
- Personnel
- Initiative and Referendum
- Etc.

# Charter Drafting

## General Provisions

- Conflict of Interest
- Forfeiture of Office
- Code of Ethics
- Administrative Code
- Etc.

# H R Charter Time Frame



Report findings and recommendations...

- Charter w/out districts (18 months max)
- May amend up to 60 days before referendum

Public vote/referendum

Implementation

# Plan of Attack

Very serious and potentially complex journey.

You are elected officials and the public has certain expectations of you.

Obligations and requirements of the law that you must meet as individuals and a group.



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