

Concord Township GSC

Home Rule Charter Drafting



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September 2015

The Process...

- **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

Time Frame

- Public vote/referendum on H R Charter--any election occurring no sooner than 60 days after report is filed.
- 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
- Unitary system of government
- Local governments are creatures of the state
- Dillon's Rule
- History of relationship
- Constitutional Convention of 1967-68

Home Rule Charter

- A Constitution for the Township
- Scope of Powers
- Form of Government
- Other Matters
- General Provisions

Major Principles of Home Rule



- Opportunity for reversing traditional relationship
- Opportunity to shift responsibility from state legislature to local citizens
- Allows for self-determination
- Allows for flexibility in defining the structure, powers, and functions of our township government
- Opportunity to create a governmental that best meets the particular needs of our township

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
- Election Code
- Ethics Law
- Recall
- Reapportionment
- Sunshine Law
- Open Records Law

Specific Restrictions

- Local Agency Law
- Tort claims
- Unit Debt Act
- Taxation subjects
- 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 of Municipality
- 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
- Limitations (previously described)

Charter Drafting

- Determine Form of Government
- Retain current structure with or without modifications
- Mirror forms in Optional Plans Section of Law
 - ◆ Executive (Mayor)/Council Plans A, B, C
 - ◆ Council/Manager Plan

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
 - ◆ Tax Collection
 - ◆ Etc.

Charter Drafting

- General Provisions
 - ◆ Conflict of Interest
 - ◆ Forfeiture of Office
 - ◆ Code of Ethics
 - ◆ Administrative Code
 - ◆ Etc.

Plan of Attack

- Review all pertinent materials from GCLGS, including:
 - ◆ Citizens Guide to Pennsylvania Local Government
 - ◆ Home Rule in Pennsylvania
 - ◆ Manual for Township Supervisors
 - ◆ Guide for Solicitors

- Review selected Township Charters--adopted or not



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