

Home Rule in Pennsylvania

July 11, 2009

Presentation by:

Harry Krot, Local Government Policy Manager
Governor's Center for Local Government Services
PA Dept of Community and Economic Development
1-888-223-6837

Local Government in PA

City Government

First Class- Philadelphia- Strong Mayor

Second Class- Pittsburgh- Strong Mayor

Second Class A- Scranton- Strong Mayor

Third Class- 53- 10,000 Population

Home Rule- 19

Optional Plan- 3; Optional Charter-13

Commission Form - 21

Local Government in PA (cont'd)

Borough Government- 961 -500 minimum population

Mayor- Council

Appointed Manager/ Secretary

First Class Townships- 91

300 people/square mile

Board of Commissioners 5-15 members

Second Class Townships- 1456

Board of Supervisors 3-5 members

Home Rule/ Optional Plan Governments

Home Rule Municipalities – 71

6 Counties, 19 Cities, 19 Boroughs, 27 Townships

Optional Plan Municipalities- 11

3 Cities, 2 Boroughs, 6 Townships

Optional Charter Municipalities- 13

13 Cities operating under Optional 3rd Class City Code

Home Rule Background

- **Act 62 of 1972**
Outgrowth of 67-68 Constitutional Convention
- **“Municipalities shall have the right and power to frame and adopt home rule charters.”**
- **“A municipality which has a home rule charter may exercise any power to perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.”**

Ballot Question

- Ordinance of Municipality OR
Petition by electorate
- 3 Questions:

“Shall a government study commission of (7,9 or 11) members be elected to study the existing form of government of the municipality, a.) to consider the advisability of the adoption of an optional plan or a home rule charter, b.) to recommend the adoption of an optional form of government or c.) to draft and recommend a home rule charter.”

Role of the Commission

Study Phase

- **Conduct an in-depth study of current municipal government.**
- **Probe deeply into procedures and inter-relationships of government to identify strengths and weaknesses or defects.**
- **Look outside municipality to discover practices that might be applied and adopted.**

Role of the Commission (cont'd)

Deliberation Phase

- Based upon review and study to determine if weaknesses exist and if they can be addressed by Optional Plan or Home Rule Charter. Develop an arrangement for better government.
- Write elements in a clear, logical and consistent manner to form the Charter.
- Conduct affairs in a manner that will win the respect of the citizens and educate citizen groups to adopt Charter.

Home Rule Commission Structure

- **Officers- Chair, Vice Chair, Secretary, Treasurer**
- **Procedures- Roberts Rules**
- **Meetings- Sunshine Law/Participatory**
- **Records- Sworn statement filed with report**
- **Minutes- Written record maintained/ filed with Clerk**
- **Expenses- Clerical, advertisements, consultants, printing, education/information.**

Home Rule Parameters

- **Laws that expressly pre-empt home rule powers or include home rule municipalities within their provisions**
- **Laws that are uniform and applicable in every part of the Commonwealth**
- **Laws that directly implement constitutional provisions**

Home Rule Parameters

Specific Restrictions

- **Boundary Change**
- **Public Schools**
- **Elections**
- **Recall**
- **Subjects of taxation**
- **Non-resident taxation**
- **Assessment**

Home Rule Parameters

Specific Restrictions (cont'd)

- **Uniform Construction Code**
- **Criminal Code/Vehicle Code**
- **Land Use Controls (Municipalities Planning Code)**
- **Environmental Laws**
- **Sewage Facilities, Flood Plain, Solid Waste Management**
- **Sunshine Act/ Open Records Act**

Considerations

Form of Government/Separation of Powers

- Mayor – Council
- Council – Manager
- Commission
- Mayor – Council Manager
- Blends

Considerations

Form of Government/ Optional Plan Form of Government

- **Executive (Mayor)- Council**
 - Optional Department structure
 - Department of Administration
 - Managing Director
- **Council - Manager**

Considerations

Elected Officials

- Elected at large/ by district
- Terms

Appointed Officials

- Appointment and Compensation
- Qualifications
- Removal
- Power and duties

Administrative Structure- creation or elimination of Departments

Considerations

Budget and Fiscal

- **Operating Budget**
- **Capital Budget**
- **Purchasing/Contracts**
- **Audit**
- **Taxation- real estate tax and personal income**

Considerations

Boards and Commissions

- **Authorities**
- **Commissions**
- **Advisory Boards**

Other

- **Initiative and referendum/ Citizen Participation**
- **Transitional provisions**

Home Rule Information Resources

- **Center for Local Government Services- PA DCED**
Publication- **Home Rule in Pennsylvania**, available free for download on our website at: www.newpa.com, click on, “Get Local Government Support”, then Publications- alphabetical listing
- **Other Home Rule Municipalities**
- **Colleges and Universities**
- **International City/County Management Association (ICMA)**

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