

## 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 3<sup>rd</sup> 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](http://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)**

# Home Rule in Pennsylvania

**July 11, 2009**

**Presentation by:**

**Harry Krot, Local Government Policy Manager**

**1-888-223-6837**