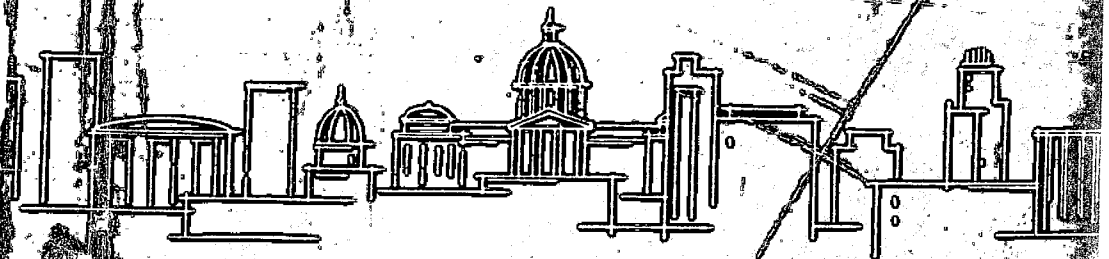


REPORT
OF THE
CHARTER
COMMISSION

OF THE CITY OF
HARRISBURG

MARCH 14, 1969



BLUEPRINT FOR PROGRESS

We, the Harrisburg Charter Commission, recommend that Harrisburg adopt the Mayor-Council Plan A, with a Mayor and a seven-member City Council, elected at large by the voters, and that a Department of Administration be established and a professional Business Administrator appointed.

Based upon this recommendation, a special election will be held on May 20, 1969, at the same time as the Primary Election, at which the voters of Harrisburg will vote YES or NO on the following question:

"Shall the Mayor-Council Plan A of the Optional Third Class City Charter Law providing for seven (7) councilmen to be elected at large, be adopted by the City of Harrisburg?"

The following interpretative statement will accompany the question on the voting machines:

"A vote of YES is a vote to change the form of government of the City of Harrisburg from the Commission form to the Mayor-Council or Strong Mayor form. A vote of NO is a vote that the form of government not be changed."

STATEMENT TO THE CITIZENS OF HARRISBURG

We, the members of the Harrisburg Charter Commission, firmly believe that our community is, like so many other American cities today, at a critical point in its history.

Harrisburg is a microcosm. It is confronted in varying degrees with all of the complex problems that beset the "core cities," plus some that are peculiar to our own community.

Like other metropolitan core areas, the City of Harrisburg lies at the crossroad of hope and despair. It has its share of the ills of the cities.

Spreading blight in our neighborhoods and the resulting concentrations of the marginally educated and poorly motivated, declining downtown business, population shifts and emigration, rising crime and civic restlessness, increasing demands for services, spiraling taxes in a restricted tax base, and the need for more brotherhood and understanding among peoples, are just a few of the major problems that cry out for solution.

But Harrisburg also has great hope, rising expectations, many natural endowments, and, we believe, people of talent and goodwill to meet these problems forthrightly and begin the upward climb. We have a magnificent natural setting, a stable economic base, and consistent and sound industrial and commercial growth potential. We also have a reservoir of talented people of goodwill and generous spirit, of all ethnic, religious and cultural backgrounds.

The job ahead is that of harnessing the talent to motivate the people of the city to solve their own problems, and the task of the Charter Commission is to recommend to the citizens the available governmental structure best suited to accomplish this objective.

After thorough study and consideration, we are convinced that Harrisburg's ability to meet and to solve its problems is diminished by the existence of a governmental structure, conceived and well-implemented in an earlier time, when problems were not so many, so complex and pressing.

Sister cities such as Lancaster, York, Allentown, Beth-

lehem, Erie and others of comparable size have recognized the fallacy of trying to meet today's needs with yesterday's solutions. All have changed their forms of government in an effort to meet their problems more effectively and responsively.

Voters in these communities have approved, over the last decade, changes in their form of government from the Commission form, which Harrisburg now has, to the Mayor-Council form.

While these communities have not eliminated all of their problems, we believe that they now have a greater ability to do so.

Let no one misunderstand; a change in the form of government is no panacea, provides no magic solutions. No form of government works unless an interested and enlightened electorate chooses the best possible leadership. Governmental forms are merely tools with which to do a job.

After more than four months of intensive study, we are convinced that the Mayor-Council form of government — of the three forms permitted by State law — is the best suited to the needs of Harrisburg.

We believe that strong executive leadership, separated from the councilmanic or legislative function — with guaranteed checks and balances — is more responsive and effective than the present system of combining executive and legislative responsibilities under five Councilmen.

Ours was not a rash or easy decision. Stimulated by the overwhelming vote of the citizenry in favor of our study and a sincere desire to serve and improve our community, we have given the matter extensive and exhaustive study. Individually and collectively, we have devoted many hours and days to public hearings, field trips and deliberations.

We had originally intended to make our recommendations to you, the voters, in November of this year. If you approved, the new form of government would have become effective in January of 1972. But the overwhelming weight of evidence pointing to the need for change NOW has impelled us to place the question before you in a special election to be held at the same time as the Primary Election on May 20th.

If you approve, Harrisburg will have a new and more effective instrument of service at its disposal in January of 1970 — two full years ahead of schedule. We are firmly convinced that Harrisburg cannot afford to delay any longer; we as a people must act now to make sure our community has the ability to meet its needs and its problems and take its rightful place as the finest community in Pennsylvania.

Therefore, we unanimously recommend that the voters of the City of Harrisburg approve a change in their form of government to the Mayor-Council Plan A, with a Mayor and seven Councilmen elected at large by the voters, at a special election to be held at the same time as the Primary Election on May 20, 1969.

In addition, we recommend that the new government, if approved, take certain steps, including the appointment of a professional Business Administrator, to provide for the most economical and efficient service possible. These proposals are included in the report of our findings and recommendations which is attached. We have also attached as a part of this report an Appendix which contains the complete plan for the proposed Optional Charter, as provided in the law.

Respectfully submitted,

Charter Commission of the City of Harrisburg

Francis B. Haas, Jr. ✓

Diane G. Hall ✓

Franklin G. Henley ✓

John M. Lynch ✓

Julius L. McCoy ✓

Gertrude Nauman ✓

David E. Wade ✓

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James W. Evans, Chairman

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Joann Gottlieb

Blueprint for Progress

REPORT
of
FINDINGS
and
RECOMMENDATIONS
of
THE CHARTER COMMISSION
of
THE CITY OF HARRISBURG

MARCH 14, 1969

CONTENTS

INTRODUCTION	11
THE EXISTING COMMISSION FORM OF GOVERNMENT	14
THE PROPOSED MAYOR-COUNCIL FORM OF GOVERNMENT	20
THE COUNCIL-MANAGER FORM OF GOVERNMENT	24
SUPPLEMENTAL RECOMMENDATIONS	26
CONCLUSION	29
APPENDIX: PROPOSED CHARTER	31

INTRODUCTION

The Harrisburg Charter Commission was created by a 10,034 to 1,479 vote of the people at the General Election on November 5, 1968. At the same time, nine members were elected to comprise the Commission.

The Commission's duty, under a 1957 State law permitting Third Class cities to choose alternate forms of government, was to study Harrisburg's existing Commission form of government, compare it with the two optional forms available and recommend to the voters which form, in its opinion, best suits the city's needs.

Harrisburg has operated under the Commission form of government since 1913, when the General Assembly prescribed the same form for all forty-eight Third Class cities in Pennsylvania.

Since the Optional Third Class City Charter Law was enacted in 1957, seven cities have changed to the Mayor-Council form and four others have changed to the Council-Manager form.

Briefly, the Commission form vests both legislative and executive authority in each of five Councilmen, including a Mayor, all of whom are co-equal. The Mayor-Council form, more popularly known as the Strong Mayor form, vests executive authority in the Mayor and the legislative authority in the Councilmen. The Council-Manager form vests executive authority in a professionally trained administrator who is hired by, and subject to the control of, the elected Councilmen.

Members of the Harrisburg Charter Commission have given intensive and exhaustive study to all three forms, and, based on overwhelming evidence and testimony from a number of elected officials and trained professionals both from Harrisburg and other Pennsylvania communities, we have unanimously concluded that the Mayor-Council plan provides the best governmental instrumentality for Harrisburg's needs now and in the future.

We began our preliminary work immediately after our election, holding three working sessions before the formal organization meeting on November 18, 1968.

In the course of our studies, we conducted separate sets of

public hearings on the three optional forms of government, totaling seven in all. Testimony was taken from Mayors of Lebanon, Bethlehem, Lancaster, Wilkes-Barre and Harrisburg, City Councilmen from Harrisburg, Bethlehem and Lancaster, other Harrisburg city officials, the City Manager of Bradford, the Harrisburg Area Chamber of Commerce and the League of Women Voters of Harrisburg.

We consulted with the Pennsylvania Economy League and the Pennsylvania Department of Community Affairs.

Members of the Commission visited Lebanon, which has the Commission form of government; Allentown, which is currently undergoing transition to the Mayor-Council form; and Bethlehem and York, which have been operating under the Mayor-Council form for some years.

Our original timetable called for placement of our recommendation, if there was to be one, on the ballot for consideration by the voters in the General Election to be held on November 4, 1969. If approved by the voters, the new form would have become effective in January of 1972.

But our studies have convinced us that the time for action is now. We determined that it is possible under the law to bring about a new form of government, if the voters so desire, in January of 1970 — two years sooner than originally planned — by placing the question before the voters in a special election to be held in conjunction with the Primary Election on May 20, 1969.

We are unanimously agreed that change is necessary and it is needed immediately, and it would serve no good purpose to prolong our study simply because we are permitted to do so under the law.

We have reached our conclusions after long and thoughtful consideration of all the implications. We recognize that there will be those who will oppose the change because they have a vested interest in the status quo, and that they will charge that our decision was made with undue haste. But we are convinced that the same opponents would use other arguments should we wait until November to make our recommendations. We, who represent the broadest possible cross-section of our community, believe that the advantages to the city of advancing the question to save two full years in implementation,

far outweigh the disadvantages. We believe the desire of the community is for change in the form of government as soon as it can possibly be accomplished.

If the voters approve our basic recommendation—which is that Harrisburg adopt the Mayor-Council form of government with seven Councilmen elected at large — a new Mayor and two additional Councilmen will be elected in November to fill out the expanded City Council.

The incumbent Mayor of Harrisburg would not automatically become Mayor under the Mayor-Council plan. Because it is unconstitutional to diminish his four-year term or his salary, he would have the option, however, of remaining on the new Council as a regular member. His alternative is to run for the office of Mayor under a new form of government in the November election.

Since the Charter question will have been voted at the normal time for nominating party candidates, in the Primary Election, it will be necessary for nominations for the new offices — Mayor and two additional Councilmen — to be made by the official political parties or by petition of the voters in the case of independent candidates.

The candidates receiving the highest number of votes in the General Election of November, 1969, would take office under the new form of government in January, 1970.

It would be advisable for the present City Council to appoint a Transition Committee, composed of knowledgeable citizens of the community, to prepare an Administrative Code, under which the new government would operate, and to make other recommendations for the transition to the new form of government.

In addition to our official recommendation, we have made a supplementary list of recommendations, to be found later in this report, which we strongly urge be adopted if a new form of government is approved by the voters. Chief among these is our recommendation that a professionally trained Business Administrator be appointed by the new Mayor, with the advice and consent of Council, to head a Department of Administration and assist in the day-to-day operation of the city government.

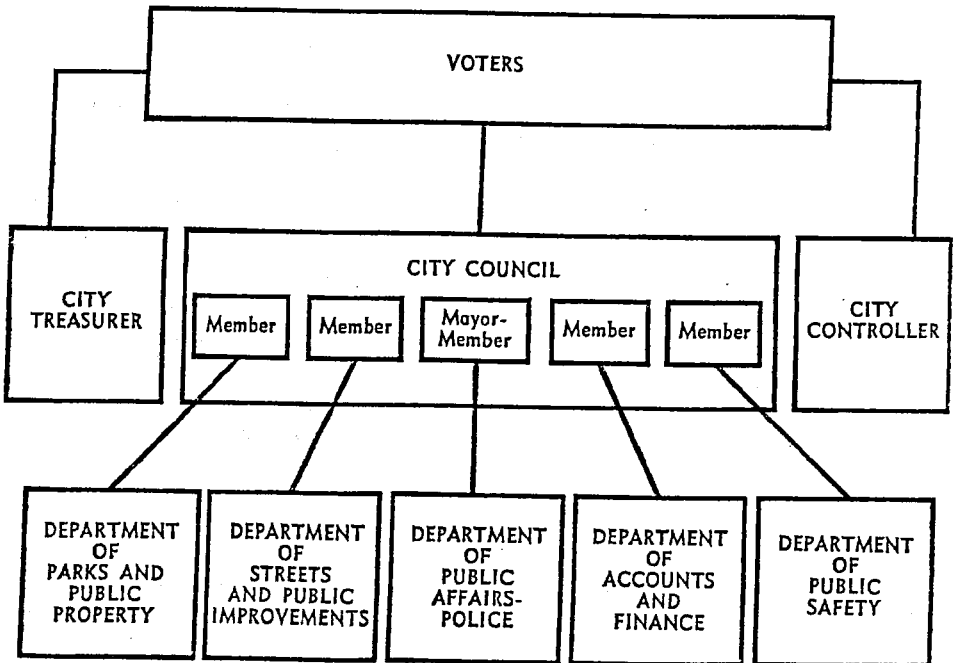
What follows is a detailed report of our findings and recommendations and the reasons we reached these conclusions.

THE EXISTING COMMISSION FORM OF GOVERNMENT

Under the existing Commission form of government the voters of the city elect at large four Councilmen and a Mayor who together constitute the City Council.

Each of these five elected officials essentially holds the same legal authority. Each is a legislator, meaning that the five Councilmen, one of whom is the Mayor, sit as a legislative body to gather facts and information concerning the legislation or ordinances necessary and proper for the government of the city. The chart which follows shows the structure of city government under the existing Commission form.

EXISTING COMMISSION FORM



Each of the members of City Council is designated to be the head of an executive or administrative department. The law provides that there shall be five departments in all; a department of public affairs, a department of accounts and finance, a department of public safety, a department of streets and public improvements, and a department of parks and public property. By law, the Mayor is designated as the head of the department of public affairs, and as such has supervision over the city police.

It is up to the Council to decide which Councilman shall head each of the other four departments and to determine the powers and duties to be assigned to and performed by these departments.

Each Councilman exercises a nearly autonomous control over his own department, subject only to the ultimate supervisory power of City Council, sitting as a legislative body. No single individual is charged with the general responsibility for the execution of the laws or ordinances under which the city government operates, or any effective general executive authority over the day-to-day work of the officials and employees of the city.

Under the Commission form of government no single individual is responsible for the preparation of a budget for the city. Each Councilman initially prepares the budget for his own department, and thereafter City Council, sitting for the most part in executive sessions, hammers out the final form of the total city budget for the following fiscal year. This method of budget preparation by its very nature results in a narrow and fragmented view of city needs and priorities. This inevitably leads to compromises among department heads which may result in advantage for one department as against another, but which often leads to a lack of attention to vital priorities.

Although the Mayor is generally believed by the citizens to have final executive authority, this is not true from a legal standpoint. The Mayor is simply co-equal with the other Councilmen. He derives such additional authority as he may have only from the force of his own personality, or from such personal political influence as he may be able to exert upon

the members of City Council. We do not think this is a desirable form of executive organization.

Who then is responsible for carrying out the desires of City Council as expressed by resolution or ordinance? Under the Commission form of government one or more Councilmen, acting as department heads are responsible. Members of Harrisburg's City Council who testified before us were in virtually unanimous agreement that the complexity of city programs today requires substantially greater cooperation and coordination among the various administrative departments than in the past. But under the Commission form of government no single individual can compel the department heads to coordinate their functions. In the final analysis, Council legislates, and then each individual Councilman executes in his own relatively narrow domain.

In the Commission form of government each Councilman is inevitably interested primarily in the operations of his own department. By the very nature of the Commission structure, no single Councilman is concerned primarily with a coordinated approach to city problems and programs.

Under the Commission form of government responsibility is divided. Although the Mayor, largely because of general misunderstanding of his role, bears the brunt of the blame for unsolved problems, in fact he does not have the authority to carry out the programs mandated by law. He has no legal means of compelling city departments to coordinate their functions.

Another inherent weakness of the Commission form of government is the juxtaposition of legislative and executive authority. Legislators are administrators, and administrators are legislators. While several Harrisburg Councilmen testified they saw this as a strength of the Commission form, on the ground that only those men who actually administer the day-to-day affairs of a city department can have enough knowledge and understanding of the problems involved to be able to legislate effectively regarding these problems, we disagree with this opinion. On the contrary, we see it as a major weakness in the Commission form. A departmental executive with the heavy responsibility of administering an

important area of city governmental activity, including the supervision of many employees, is more likely to have a perspective significantly more narrow than independently elected legislators, experienced and knowledgeable about the life of the city, but not tied to individual departmental responsibilities.

Under the Commission form of government the people have no voice in deciding which Councilman will head any particular department. In fact the assignment of individual Councilmen to particular departments has often been done simply on the basis of which departments happened to be open for assignment. When people vote for Councilmen they tend to think they are electing legislators, not that they are selecting executives with any particular training, knowledge or experience in administration generally, or in the administration of any particular department. The Commission form of government seldom attracts trained and experienced departmental administrators.

Proponents of the Commission form of government say that it affords essential "checks and balances"; that the division of executive authority among five persons prevents any one of them from becoming too powerful; and that the possibility of getting a "bad" chief executive under one of the optional forms of government is too great a risk to be run. We believe, however, that the risk of continuing to operate with divided, indecisive leadership far outweighs the risk of an overconcentration of executive power. We further think that the complete separation of legislative and executive power which exists in either of the optional forms of government, in which a truly independent legislative branch must approve all budgets, consent to the appointment of all department heads, pass all laws, including the imposition of taxes and the appropriation of money, constitutes a better system of "checks and balances" than does the divided executive authority inherent in the Commission form. The significant advantage of the separation of legislative and executive power under the Mayor-Council form does not exist under the Commission form, in which the legislative and executive power are combined.

Other disadvantages exist under the Commission form. A collection of unrelated activities in particular departments frequently results in this form. For example, in Harrisburg,

for reasons which no one remembers, the Bureau of Fire is in the Department of Parks and Public Property, and because of peculiarities of departmental autonomy and the lack of centralized leadership capable of imposing its will on the departmental structure, such anomalies, once developed, seem to be permanent.

It was urged upon us by at least one proponent of the Commission form of government that anything that could be accomplished under any of the optional forms of government also could be accomplished under the Commission form of government. This argument refers only to the bare bones of legal power. But we are here considering something much more subtle. It is not enough to say that something can be done. We must ask ourselves whether this governmental form is one which tends to stifle or to encourage imaginative and vigorous leadership in approaching and solving serious problems. We see little evidence that the Commission form encourages such leadership and much evidence that it tends to stifle it.

For example, in three areas of municipal administration involving relatively simple and obvious matters of internal efficiency, the Commission form of government in Harrisburg has produced little or no progress whatever. As of the date of this report Harrisburg city government continues to operate without any long-range capital planning, not to mention an annual capital budget. Our investigation has revealed that progressive municipal governments uniformly prepare separate budgets for capital expenditures, not just for the current fiscal period, but for periods of five or seven years in the future.

Despite discussion of the subject for many years, purchasing of supplies and equipment by the City of Harrisburg continues to be the individual prerogative of each separate department, subject to councilmanic approval for items exceeding \$300.00. There appears to be little, if any, coordinated procurement policy of any kind.

Likewise, in the vital area of personnel, there is no coordinated personnel procurement, job classification or promotion policy. Councilmanic approval of employment and discharge

of each individual employee is required, and no single person is responsible for the consistent implementation of personnel policy.

While it has been argued that progress in such vital matters can be accomplished under the present form of government, the fact remains that it has not been made, nor is there any significant indication that it will be done under the Commission form. The failure to make progress in these areas is, in our judgment, an indictment of the existing structure of government. These particular areas are not complex, can be easily solved, and have, in fact, been solved by cities of similar size under the Mayor-Council form. Far more intricate, perplexing and complex issues face our city. The Mayor-Council form which we propose will better enable Harrisburg to undertake the tasks ahead.

THE PROPOSED MAYOR-COUNCIL (STRONG MAYOR) FORM OF GOVERNMENT

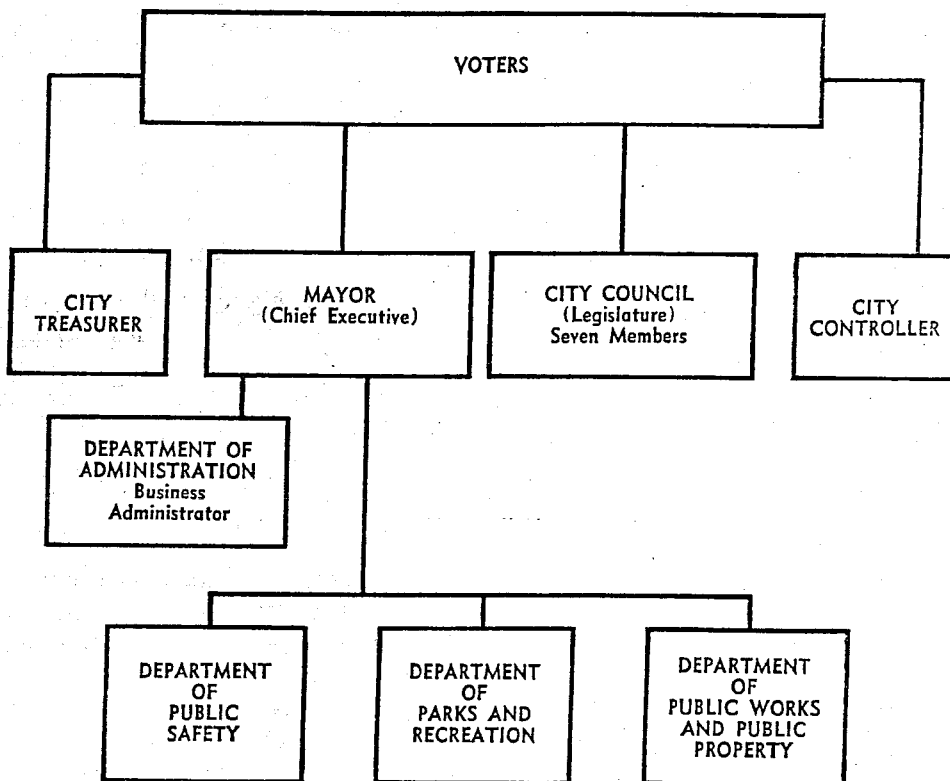
Under the Mayor-Council, also known as the Strong Mayor, form of municipal government, the Mayor is elected at large by the voters of the city as the executive and administrative chief of the city government. A City Council of seven members, as recommended by this Charter Commission, if approved by the voters, will be the legislative branch of the city government. Its members will have no executive responsibility. They will have the final authority on all matters of policy. Their consent to the Mayor's departmental appointments will be required. They will enact the laws. They will approve the budget, fix tax rates and appropriate funds.

The Mayor will have full authority and responsibility to carry out the policies established by City Council by resolution or ordinance, and he will be accountable to City Council and to the people for the implementation of these policies. This governmental form or structure is the same as that of our State and National governments. The chart on the following page depicts graphically the relationships of the various public officials under this form of government.

This departmental organization is set forth as an example of the flexibility available under the Mayor-Council form of government. Under the Mayor-Council form, City Council determines the number of administrative departments, but they may not exceed nine in number. Our investigation indicates that no more than four departments are necessary or desirable in a city of this size. The City Council under the Mayor-Council form will have complete power to determine the departmental organization of city government. We have attempted here only to suggest the establishment of departments which contain groupings of related functions, each of which falls within the general purview of a single occupational or technical specialty.

City Council may establish a Department of Administration for the purpose of assisting the Mayor in carrying out his administrative responsibilities. We strongly urge that this be done. All department heads are appointed by the Mayor with the advice and consent of City Council, but they may not be

**RECOMMENDED MAYOR-COUNCIL FORM
AND PROPOSED DEPARTMENTAL STRUCTURE**



Councilmen. While City Council may cause investigations to be conducted into the affairs of any department of the city government, it may not intrude into the day-to-day operation of the departments.

The elected Mayor has the responsibility first to examine the needs of the city, and, considering these needs and the relative priorities of the various demands upon city resources, to prepare a budget and submit it to City Council for approval. Being the head of no department, but being responsible generally for the operation of the entire city government, including all of the administrative departments, his objective will be to direct the utilization of city resources to the places most needing attention, without regard to narrow departmen-

tal loyalties. One of his first objectives will be to scrutinize with the utmost care each of the departmental budget recommendations submitted to him by the department heads. With the assistance of a Department of Administration, headed by a professionally trained Business Administrator, he can eliminate from departmental budgets any unnecessary expenditures, determine priorities and direct the utilization of city resources where most needed.

The Mayor-Council form of government, coupled with a Department of Administration, headed by a professionally trained Business Administrator, is the best alternative to the fragmented leadership and divided responsibility inherent in the Commission form.

We do not see the legislative role of City Council as diminishing under the Mayor-Council form of government. In fact, by recommending the adoption of a plan calling for a seven-member City Council, we envision a vital deliberative body, broadly representative of all segments of the population of the City, which will thoroughly explore the policy alternatives, and, by utilizing the committee system, keep a close watch on the operations of the executive department. There is no way in which a Third Class city can elect City Councilmen otherwise than at large. The composition of City Council, therefore, will be determined by the voters at large, and by providing for a seven-member City Council, it is hoped that adequate opportunity will exist for broadened participation in city government.

Under the Mayor-Council form of government, the Mayor has a veto power over councilmanic legislation, but City Council can override the Mayor's veto by a vote of two-thirds of its members. This provision constitutes another of the inherent "checks and balances" in the Mayor-Council form. The Mayor may attend meetings of Council and may take part in the discussions of Council, but he does not have a vote except in the case of a tie on the question of filling a vacancy in Council, in which case he may cast the deciding vote.

The City Treasurer and the City Controller under the Mayor-Council plan will continue to be elected by the voters of the city at large. Their independent role as watchdogs of city fiscal affairs will continue, and will constitute another of

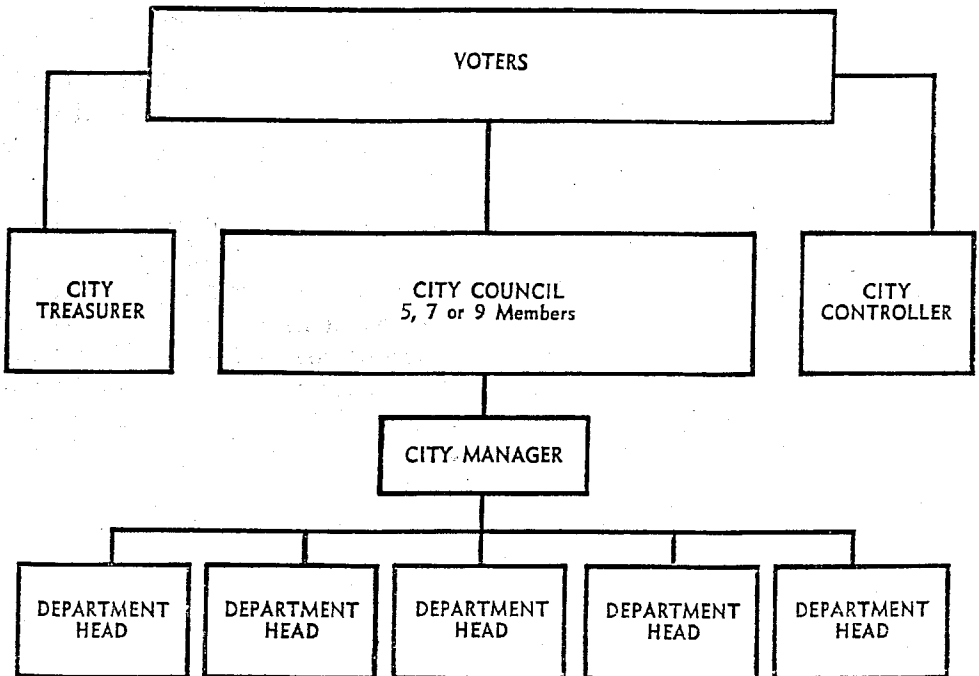
the internal control mechanisms which will continue to exist in city government.

As we have stressed throughout this report, leadership is the vital ingredient required today in municipal government. The Mayor-Council, or Strong Mayor, form of municipal government is in our opinion the only form of government available to Harrisburg which holds forth the probability of attaining the kind of vigorous and imaginative approach to city problems so essential to progress.

THE COUNCIL-MANAGER FORM OF GOVERNMENT

The other optional form of government available is the Council-Manager form. In the Council-Manager form of government, the City Council, consisting of five, seven, or nine members, is elected at large by the voters. The Mayor is elected either by the voters at large, or by the City Council from among its members, and serves as a member of City Council and as its presiding officer. He has no executive authority. City Council then appoints a City Manager, who is the chief administrative officer of the city. It is the duty of the City Manager to appoint all department heads and to carry into effect all policies and ordinances of the City Council. The City Manager is completely responsible to City Council, which has the legal power to discharge him, subject only to whatever contractual arrangements may exist between City Council and the City Manager. The structure of government under the Council-Manager form is reflected in the following chart:

COUNCIL-MANAGER FORM
Not Recommended



We think that a popularly elected Mayor under the Mayor-Council form will be better able to lead the city through the difficult but challenging years ahead. No matter how competent or experienced a City Manager may be, he remains always an employee of City Council, a step removed from the voters, not directly responsive or responsible to the voters. He could not muster public support for needed programs or policies with the same effectiveness as if he had been elected by the people.

Under the Council-Manager form, the City Manager is usually prohibited from engaging in any political activity, or from functioning in any manner as a political leader. The political leadership of the city must be undertaken by the City Council itself, or by its presiding officer, the Mayor. Leadership by committee is no more effective under the Council-Manager form of government than under the Commission form, and as we have seen, there are serious shortcomings in this regard.

It is true that under the Council-Manager form of government, many of the weaknesses which exist in the Commission form with respect to administrative organization may be overcome. However, we are not convinced that an appointed chief executive, who is not directly accountable to the people, can provide the effective leadership which we believe is necessary for our city.

In our judgment, the Mayor-Council form of government, coupled with a Department of Administration headed by a professionally trained Business Administrator, combines the best elements of both the Mayor-Council and City Manager forms of government. Effective, politically responsible executive leadership can be exercised best by a popularly elected Mayor with the power and the responsibility of a chief executive.

SUPPLEMENTAL RECOMMENDATIONS

In addition to the specific recommendations for which the Charter Commission is responsible, it may recommend such other action consistent with its functions as are provided in the law. Although these recommendations cannot be binding on any government of the city, whether it be the Commission form or the proposed Mayor-Council form, we strongly urge that the following steps be taken by any future government of Harrisburg:

1. We recommend that the city promptly embark upon a program of long-range capital planning.

At the time of the preparation of the budget for each fiscal year, a careful reevaluation should be made of the capital requirements of the city for the ensuing five years, and a capital budget submitted to City Council. Our study has convinced us that long-range capital planning is an essential tool of good municipal government, and in fact is taken for granted in most progressive communities of which we have gained any knowledge.

2. We recommend that the city promptly establish a central purchasing agency to coordinate and supervise all city purchasing.

We found during our investigation that each of the departments of our city government under the Commission form is generally responsible for its own procurement policies and arrangements. Other municipal governments, particularly those operating under optional charters, have long considered a central purchasing agency an essential tool of efficient operation.

3. We recommend the adoption of a carefully prepared and constantly up-dated personnel policy applicable to all city employees below the level of department heads, with job classification, grade and salary scales, and provision for merit hiring and promotion.

Whether it is implemented by a formal civil service system, or by an executive order, such a policy is another essential tool of good government, vital to the maintenance of high morale and continuity of competence and loyalty among city employees.

4. We recommend that planning begin immediately to provide a modern, efficient municipal building for city government.

Among the cities we visited, Lebanon, Allentown and Bethlehem have constructed entirely new city government buildings in the last few years. These modern and efficient structures have met with enthusiastic public response, have substantially increased the morale and the level of efficiency of the governments of those cities, and have proved to be a source of pride to both citizens, public officials and employees as well.

5. We recommend the establishment of an information and communications center at City Hall.

The purpose of this center shall be to make certain that citizen inquiries, requests and complaints are directed promptly to the proper agency or official, and that adequate responses are made to such inquiries, requests or complaints within a reasonable time.

6. We recommend that City Council promptly appoint a Transition Committee, if the voters approve a change to the Mayor-Council form of government.

This committee should include representatives of City Council and citizens interested in a smooth and effective transition from the Commission form to the new Mayor-Council form. The Committee should present detailed recommendations to the new City Council and to the new Mayor for the reorganization of city government, including the departmental organization. It should prepare recommended drafts of an Administrative Code for consideration by City Council, as well as other

organizational matters which will have to be considered promptly by the new government.

The Transition Committee should direct special attention toward a method of insuring adequate communication between the legislative and executive branches of the new city government.

CONCLUSION

In the final analysis, no form of government can function any better than the people who must make it work. If Harrisburg moves forward to a new form of government, it will be vitally important that the people entrust this new government only to qualified and dedicated public officials.

We sincerely believe that a change from the Commission form to the Mayor-Council form of government will be in the best interests of the City of Harrisburg, but only you, the citizens and voters, can make it work. Only you can insist that our recommendations be faithfully carried out, and that those who take over the reins of the new government have faith in it, and faith in you, the people of Harrisburg.

Respectfully submitted,

CHARTER COMMISSION OF THE CITY OF HARRISBURG

/s/ Francis B. Haas, Jr.
/s/ Diane G. Hall
/s/ Franklin L. Henley
/s/ John M. Lynch
/s/ Julius L. McCoy
/s/ Gertrude Nauman
/s/ David E. Wade
/s/ Merrill A. Yohe, Jr.
/s/ James W. Evans, Chairman

March 14, 1969

APPENDIX

Proposed Charter

In accordance with Section 210 of the Optional Third Class City Charter Law, this report is accompanied by the Mayor-Council Plan A, as set forth in the statute. This is the plan recommended by your elected Charter Commission.

ARTICLE III. GENERAL POWERS AND LIMITATIONS

A. Powers

Section 301. Upon the adoption by the qualified voters of any city of any of the optional plans of government set forth in this act, the city shall thereafter be governed by the plan adopted and by the provisions of this act common to optional plans and by all applicable provisions of general law, subject to the transitional provisions of Article VI. of this act, unless and until the city should adopt another form of government as provided by law. The plan adopted and the provisions of this act common to optional plans shall become the organic law of the city at the time fixed by this act. So far as they are consistent with the grant of powers and the limitations, restrictions and regulations herein-after prescribed, they shall supersede any existing charter, and all acts and parts of acts, local, special or general, affecting the organization, government and powers of such city to the extent that they are inconsistent or in conflict therein. All existing acts or parts of acts and ordinances affecting the organization, government and powers of the city not inconsistent or in conflict with the organic law so adopted shall remain in full force until modified or repealed as provided by law.

Section 302. The city clerk of the city shall forthwith cause the new charter as approved by the qualified electors to be recorded in the ordinance book of the city. He shall also file a certified copy thereof in the office of the Secretary of the Commonwealth.

Section 303. Each city governed by an optional form of government

pursuant to this act shall, subject to the provisions of and limitations prescribed by this act, have full power to:

(1) Organize and regulate its internal affairs, and to establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation;

(2) Adopt and enforce local police ordinances of all kinds and impose penalties of fine not exceeding three hundred dollars (\$300), or imprisonment for any term not exceeding ninety days, or both, for the violation thereof; to construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law, and to exercise all powers of local government in such manner as its governing body may determine;

(3) Sue and be sued, to have a corporate seal, to contract and be contracted with, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(4) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law applicable to cities of the third class.

Section 304. The general grant of municipal power contained in this article is intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in this act or in any other law shall not be construed in any way to limit the general description of power contained in this article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this article. All grants of municipal power to cities governed by an optional plan under

this act, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the city.

B. Limitations

Section 305. The charter of any city adopted in accordance with this act shall not give any power or authority to diminish any rights or privileges of any present city employe in his pension or retirement system. Terms of office of a mayor, treasurer, controller or members of council elected to or holding office prior to adoption of a charter shall not be terminated prior to the time for which elected. No city shall exercise any powers or authority beyond the city limits except such as are conferred by an act of the General Assembly, and no city shall engage in any proprietary or private business except as authorized by the General Assembly. Notwithstanding the grant of powers contained in this act, no city shall exercise powers contrary to or in limitation or enlargement of powers granted to the city by acts of the General Assembly which are:

- (1) Applicable to a class or classes of cities on the following subjects:
 - (i) Providing for the filing and collection of municipal and tax claims or liens and for the sale of real or personal property in satisfaction thereof.
 - (ii) Providing for the exercise of the power of eminent domain and the procedure for the condemnation of property for public purposes.
 - (iii) Providing for the assessment of damages and benefits for property taken, injured or destroyed.
 - (iv) Providing methods for the incurring or increasing of indebtedness.
 - (v) Providing for the annexation or exclusion or detachment of territory.
 - (vi) Regulating public schools.
 - (vii) Providing for the personal registration of electors.
 - (viii) Limiting rates and fixing subjects of taxation.
 - (ix) Providing for the assessment of real or personal property and persons for taxation purposes, except that any city adopting one of the optional charter plans provided under this act which has not elected

to become subject to the provisions of the act of May 21, 1943 (P.L. 571), known as "The Fourth to Eighth Class County Assessment Law," may, by ordinance, provide for the hearing of appeals from assessments made by the city assessor and the revision thereof by an administrative agency rather than by council: Provided, That in so doing such city shall adhere to the requirements of general law regarding notice to taxables and the right of a person to appeal.

- (x) Relating to civil service.
- (xi) Relating to public health.
- (2) Applicable in every part of the Commonwealth.
- (3) Applicable to all the cities of the Commonwealth.

ARTICLE IV. MAYOR-COUNCIL PLAN A

A. Form of Government

Section 401. The form of government provided in this article shall be known as the "mayor-council plan A" and shall, together with Articles III. and VI., govern any city, the voters of which have adopted it pursuant to this act.

Section 402. Each city hereunder shall be governed by an elected council, an elected mayor, an elected treasurer and an elected controller and by such other officers and employes as may be duly appointed pursuant to this article, general law or ordinance.

B. Elected Officials

Section 403. The mayor, the treasurer and the controller shall be elected by the voters of the city at a regular municipal election, and shall serve for a term of four years beginning on the first Monday of January next following his election.

Section 404. The council shall consist of five members, unless pursuant to the authority granted under section 213 of this act, the city shall be governed by a council of seven or nine members. Members of the council shall be elected at large by the voters of the city at a regular municipal election and shall serve for a term of four years,

except as hereinafter provided for those first elected beginning on the first Monday of January next following their election.

Section 405. At the first municipal election following the adoption by a city of this plan, councilmen shall be elected and shall serve for the terms as provided in section 622 of this act.

Section 406. (a) If a vacancy exists in the city council, the city council shall, by a majority of its remaining members, fill such vacancy, within thirty days thereafter, by electing a qualified person to serve until that first Monday of January when his successor who shall have been elected by the qualified electors at the next municipal election, occurring at least thirty days after such vacancy exists, is duly sworn into office for the remainder of the term of the person originally elected to said office.

In case vacancies should exist whereby the offices of a majority or more members of the city council become vacant, the remaining members shall fill such vacancies, one at a time, giving each new appointee such reasonable notice of his appointment as will enable him to meet and act with the then qualified member or members of the city council in making further appointments until a bare majority of members of city council have been qualified, whereupon the said members shall fill the remaining vacancies at a meeting attended by the said majority members of city council, such appointees to receive a majority of the votes of the members present at any such meeting. The person or persons selected to fill such vacancy or vacancies shall hold their offices as herein provided.

If, by reason of a tie vote, or otherwise, such vacancy shall not have been filled by the remaining members of city council within the time as limited herein, the court of common pleas, upon the petition of ten or more qualified electors, shall fill such vacancy by the appointment of a qualified person, for the portion of the unexpired term as above provided.

If, at any time, vacancies should occur or exist in the membership of all members of city council, the

court of common pleas shall appoint a city council, of persons properly qualified, who shall serve as herein provided.

(b) If a vacancy occurs in the office of mayor, city treasurer or city controller, the city council shall fill such vacancy, within thirty days thereafter, by choosing a mayor, a city treasurer or a city controller, as the case may be, to serve until his successor is elected by the qualified electors at the next municipal election, occurring at least two hundred days after such vacancy occurs, and is duly sworn into office. The person so elected shall serve from the first Monday of January next succeeding his election for the remainder of the term of the person originally elected to such office.

If, by reason of a tie vote or otherwise, a vacancy in the office of mayor, treasurer or controller shall not have been filled by council within the time as limited herein, the court of common pleas, upon petition of ten or more qualified electors, shall fill such vacancy by the appointment of a qualified person for the portion of the unexpired term as herein provided.

C. Council

Section 407. The legislative power of the city shall be exercised by the city council, except as may be otherwise provided by general law.

Section 408. On the first Monday of January following the regular municipal election, the members of council shall assemble at the usual place of meeting and organize and elect a president of the council from among its members, who shall preside at its meetings and perform such other duties as council may prescribe. In the absence of the president, the council shall elect a temporary presiding officer.

Section 409. The council, in addition to such other powers and duties as may be conferred upon it by this charter or otherwise by general law, may require any city officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof, and may otherwise investigate the conduct of any

department office or agency of the city government.

Section 410. (a) The council shall appoint a city clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this act requires, and perform such functions as may be required by law. The city clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

(b) The council may provide for the manner of appointment of a city solicitor, any planning board, zoning board of adjustment or personnel board in the city, and may create commissions and other bodies with advisory powers.

D. Mayor and Administration

Section 411. The executive power of the city shall be exercised by the mayor.

Section 412. The mayor shall enforce the charter and ordinances of the city and all general laws applicable thereto. He shall, annually, report to the council and the public on the work of the previous year and on the condition and requirements of the city government and shall, from time to time, make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the city government, and shall require each department to make an annual and such other reports of its work as he may deem desirable.

Section 413. (a) Ordinances adopted by the council shall be submitted to the mayor and he shall, within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto, or return it to the council by delivering it to the city clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof, on or

after the third day following its return by the mayor, shall by a vote of two-thirds of the members resolve to override the mayor's veto.

(b) The mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

(c) All bonds, notes, contracts and written obligations of the city shall be executed on its behalf by the mayor and the controller.

Section 414. The mayor shall designate any department head, or the city clerk, to act as mayor whenever the mayor shall be prevented, by absence from the city, disability or other cause, from attending to the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of mayor. Whenever the mayor shall have been unable to attend to the duties of his office for a period of sixty consecutive days for any of the above stated reasons, a member of council shall be appointed by the council as acting mayor, who shall succeed to all the rights, powers and duties of the mayor or the then acting mayor.

Section 415. (a) The city treasurer shall perform such functions and duties and have such powers relating to the collection, receiving, safe keeping and payment over of public moneys including city, county, institution district and school district taxes as provided by general law and shall have such other functions, powers and duties as may be assigned to him by council.

(b) The city may have a department of administration and shall have such other departments, not exceeding a total of nine, as council may establish by ordinance. All of the administrative functions, powers and duties of the city, other than those vested in the office of the city clerk, city treasurer and city controller, shall be allocated and assigned among and within such departments.

(c) Each department shall be headed by a director who shall be appointed by the mayor with the advice and consent of the council. Each department head shall serve

during the term of office of the mayor appointing him, and until the appointment and qualification of his successor. No member of city council shall head a department.

(d) The mayor may, in his discretion, remove any department head after notice and an opportunity to be heard. Prior to removing a department head, the mayor shall first file written notice of his intention with the council, and such removal shall become effective on the twentieth day after the filing of such notice.

(e) Subject to the provisions of Article XLIV. of the act of June 23, 1931 (P.L. 932), known as the "Third Class City Code" and the provisions of the act of May 31, 1933 (P.L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties", department heads shall appoint subordinate officers and employes within their respective departments and may, with approval of the mayor, remove such officers and employes.

Section 416. Where a department of administration is established, it shall be headed by a director who shall be known and designated as business administrator. He shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or State, but during his tenure of office he may reside outside the city only with the approval of council. He shall have, exercise and discharge the functions, powers and duties of the department. The department, under the direction and supervision of the mayor, shall:

(1) Assist in the preparation of the budget;

(2) Administer a centralized purchasing system; and

(3) Perform such other duties as council may prescribe.

E. Budget and Control

Section 417. The city budget shall be prepared by the mayor with the assistance of the business administrator or other officer designated by the mayor. Except for the budget for the first budget year after adoption of the Mayor-Council Plan A, the mayor shall, not later than the month of November, require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator or other officer at public hearings, which shall be held during that month, on the various requests. In preparation of the budget for the first budget year after adoption of the Mayor-Council Plan A, such requests shall be made and such hearings shall be held in February of the first budget year.

Section 418. Except as hereafter provided for submission of the first recommended budget after adoption of the Mayor-Council Plan A, at the last stated meeting in November, the mayor shall submit to council his recommended budget in the form of an ordinance, together with such explanatory comment or statement as he may deem desirable. After adoption of the Mayor-Council Plan A, the first recommended budget together with the explanatory comment or statement, shall be submitted by the mayor in the form of an ordinance to council not later than the first day of March and shall be adopted by council not later than the first meeting in March of the first budget year, or, if the mayor elects to do so, he may recommend the amendment and adoption of the annual budget and the levy of a tax rate under sections 1809, 1810 and 1811 of the act of June 23, 1931 (P.L. 932), known as "The Third Class City Code", reenacted and amended June 28, 1951 (P.L. 662). The budget shall be in such form as is required the council for city budgets, and shall in addition have appended thereto a detailed analysis of the various items of ex-

penditure and revenue. Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of council.

Council shall, upon passing the proposed budget ordinance on first reading, fix a date for adoption thereof, which shall except as otherwise provided be not later than the 31st day of December immediately following.

Section 419. The council shall, where practicable, provide for the maintenance of a system of work programs and quarterly allotments, for operation of the budget. It shall be the duty of the officer or department administering any such program to develop and report appropriate unit costs of budgeted expenditures.

Section 420. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the city, by the city controller. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit by the city controller of all claims and demands against the city prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

Section 421. The council may provide for annual post audits of all accounts by an outside certified public accountant to be appointed by council.

ARTICLE VI. GENERAL PROVISIONS COMMON TO OPTIONAL PLANS

A. Officers and Employees

Section 601. No officer or employe elected or appointed in any city shall be interested, directly or indirectly, in any contract or job for work or materials or the profits thereof, to be furnished or performed for the city, and no such

officer or employe shall be interested, directly or indirectly, in any contract or job for work or materials or the profits thereof, to be furnished or performed for any person operating any interurban railway, street railway, bus line, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of such city.

Section 602. No officer or employe shall accept or receive, directly or indirectly, from any person operating within the territorial limits of a city any interurban railway, bus line, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the city officials heretofore provided by any franchise or ordinance be affected by this section.

Section 603. No candidate for office, appointment or employment and no officer, appointee or employe in any city shall, directly or indirectly, give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

Section 604. Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any city office, position or employment in a city governed pursuant to this act, and upon conviction thereof, while in office, shall forfeit his office. Any person who shall violate any of the provisions of sections 601, 602 or 603 of this act shall be guilty of a misdemeanor in office, and upon conviction there-

of in a court of competent jurisdiction, shall forfeit his office.

Section 605. If any person hereafter elected or appointed to any office or position in a city governed under this act shall, after lawful notice or process, wilfully refuse or fail to appear before any court, any legislative committee, or the Governor, or having appeared shall refuse to testify or to answer any question regarding the property, government or affairs of the city, or regarding his nomination, election, appointment or official conduct on the ground that his answer would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any such matter in relation to which he may be asked to testify, may be removed from office by the council of the city in its discretion. Any person removed from office pursuant to this section shall not thereafter be eligible for election or appointment to any office or employment in such city.

B. Legislation By Council

Section 606. The council shall, by ordinance or resolution, designate the time of holding regular meetings which shall be at least monthly. The mayor or the president of council, as the case may be, may and, upon written request of a majority of the members of the council, shall call a special meeting of the council. In the call, he shall designate the purpose of the special meeting and no other business shall be considered. All meetings of the council shall be open to the public. The city clerk shall keep a journal of its proceedings and record the minutes of every meeting.

Section 607. (a) Council shall determine its own rules of procedure, not inconsistent with ordinance or statute. A majority of the whole number of members of the council shall constitute a quorum, but no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.

(b) Each ordinance or resolution shall be introduced in written or type-written form, and shall be read and considered as provided by gen-

eral law. The vote upon every motion, resolution or ordinance shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the city clerk.

(c) The compensation of the controller, treasurer and department heads shall be fixed by the council.

The compensation of the mayor and councilmen elected to their offices in the year prior to the transition year to the mayor-council plan A pursuant to this act shall be as follows:

1960 Population		
Cities of 75,000 to 124,999		
Mayor	Council	Pres. of Council
\$15,000	\$2,100	\$2,400

The compensation of the mayor, councilmen, controller and treasurer elected to their offices subsequent to the transition year to the mayor-council plan A pursuant to this act shall be fixed by ordinance of council finally passed or adopted at least two days prior to the last day fixed by law for candidates to withdraw their names from nominating petitions previous to the day of the municipal election. After such compensation is once fixed by ordinance only an increase or decrease thereof need be fixed by such ordinance.

Section 608. (a) Except as may otherwise be provided in this act all ordinances shall be adopted and published in the manner required by general law: Provided, however, That any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever ten copies of said regulations or code have been placed on file in the office of the city clerk and in the office of the body or department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

(b) No ordinance other than the local budget ordinance shall take effect less than twenty days after its final passage by council and approval by the mayor where such approval is required, unless the council shall adopt a resolution declaring an emergency and at least

two-thirds of all the members of the council vote in favor of such resolution.

Section 609. The city clerk shall record all ordinances and resolutions adopted by council and at the close of each year, with the advice and assistance of the city attorney, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof, of the city which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

Section 610. No rule or regulation made by any department, officer, agency or authority of the city, except such as relates to the organization or internal management of the city government or a part thereof, shall take effect until it is filed either with the city clerk or in such other manner as may be provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

C. Transition To Optional Charter Plan

Section 620. (a) Whenever the electors of a city adopt any of the optional charter plans provided by this act at any election for that purpose, such city shall be governed under the provisions of such charter plan and this act from the first Monday in January following the next succeeding municipal election.

(b) Whenever the electors of a city vote to discontinue such optional plan at any election for that purpose, the city shall cease to be governed by the provisions of such charter plan and this act on the first Monday of January following the next succeeding municipal election.

Section 621. (a) The mayor, the members of council, the treasurer and the controller in office at the time of the adoption of any charter plan provided by this act shall continue in office until the expiration of their terms and shall receive the compensation provided by law at that time. Any such officer may, by writing filed with the city treasurer, direct that any portion of his compensation be returned to the city treasury.

(b) If an elected city treasurer or city controller is in office at the time of the adoption of an optional charter plan under the provisions of this act, a treasurer or controller, as the case may be, shall not be elected to take office until after the resignation, death, removal or expiration of the term of said treasurer or controller.

Section 622. (a) At the municipal election next succeeding the adoption of one of the optional charter plans provided for in this act, the number of councilmen prescribed by the terms of the charter less the number of councilmen then in office whose terms do not expire on the first Monday of January next following, shall be elected. For the purpose of this section, an existing mayor shall be considered as a member of council, and after the new charter plan goes into effect, his duties shall be only those of a member of council as prescribed by the new charter plan and a new mayor shall be elected at this election or appointed as provided by the plan adopted.

(b) At such election, if two, three or four councilmen are elected, they shall each serve for terms of four years. If five are elected, the four candidates receiving the highest number of votes shall serve for terms of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. If six or seven are elected, the five candidates receiving the highest number of votes shall serve for terms of four years, and the one or two candidates, as the case may be, receiving the next highest number of votes shall serve for a term of two years. Thereafter, all councilmen shall be elected for terms of four years.

(c) If any vacancies in council occurring by reason of resignation, death or removal shall exist ninety days or more before such election, they shall be filled for the remainder of the term of the person originally elected to that office.

Section 623. Upon the effective date of an optional charter adopted pursuant to this act, all ordinances and resolutions of the city to the extent that they are not inconsistent with the provisions of this act shall