

GOVERNMENT STUDY COMMISSION
JANUARY 28, 2008
7:00 p.m.

In attendance: Sandra Kelley, Jim Vike, Jerry McGlone, Woody VanSciver, and Steve Soles of Lamb McErlane, PC

The meeting was called to order at 7:20 p.m.

A motion was made by Jim Vike, seconded by Jerry McGlone and unanimously carried by a vote of 4-0 to approve the minutes of the meeting held on January 14, 2008.

Review Changes to Home Rule Charter – Sandy asked those in attendance if they had any changes to the draft version of the Charter. The following concerns were brought up and noted by Steve Soles:

- Section 204(B) – sentence to read four (4) members in 2010 and three (3) members in 2012.
- Section 1405 – we will retain a Shade Tree Commission but they will be accountable to Borough Council rather than an independent body
- Section 205 – Term limits will not be retroactive – Steve will look at the legalities and report back to the Commission. It would seem that the term limits will begin at the expiration of the current term.
- Section 405(B) & 207(B) – reimbursement of expenses and a scope of what is limited and what is permitted will be addressed in the Administrative Code
- Section 401(F)(3) – last sentence should read Civil Service Commission, not Civil Service Committee, to be consistent with the term “Civil Service Commission” throughout the document
- Section 707 – there was a discussion regarding changing the wording but per Steve Soles, if you do change it now and then later down the road you want to change it again, it would have to go through voter approval – it would be better to keep it the same and allow changes to go thru the administrative code. It is best to keep the independence of the Civil Service Commission, keeping the current discipline system. The recruiting through hiring process should be part of the administrative code, then the grievance and disciplinary action will be addressed through the Civil Service Commission. Steve will discuss this section with Vince.
- Section 1401 – clarify term limits under the mayor section

Review Report of the Commission

- Page iv – under “An Overview of the Process”, it should be included that the Government Study Commission was started because, under the current Borough Code, the Borough can only tax on real estate and an earned income tax. Up to one percent can be collected for earned income tax. Both the municipality and the school district can collect one-half of one percent, for a total of one percent. If the school district does not collect their one-half

percent, the municipality can collect the full one percent. Malvern Borough currently collects the full one percent. If the school district elects to collect their one-half percent, the Borough would then only be permitted to collect one-half percent. If this were to occur, the Borough would have to look to their real estate taxes to make up the lost revenue from the earned income tax. The Borough is not permitted to raise the ceiling on that one percent under the Borough Code. Under the Code, the Borough is limited in what it can collect. The primary reason this process was started was to keep our earned income tax at the current level regardless of what the School District elects to collect. One-half of the Borough's revenue is generated through the earned income tax.

- Page v (3) – it was suggested that more explicit language be included. It was felt that was the number one reason for considering a Home Rule Charter.
- Page v (2) & (4) – both use the same terminology “clear(er) structure”. One should speak to structure and one should speak to governing. The difference is governance vs. government. Item (4) would be more about the Charter giving us more adaptability and Item (2) speaks more to term limits and not electing the same Borough Council members or Mayor. This language requires more clarification.
- Page v (5) – establish a strong set of professional ethical standards for elected and appointed officials. It was felt the language was a little too strong.
- Page v, first paragraph, third sentence – it was felt the language was awkward where it states “The commission members voted on a series of straw poll questions, etc.”. Maybe we should talk about what we did want to push forward and say “The Commission members considered a range of topics, including our form of government (Borough Code vs Home Rule Charter), the elected position of the Tax Collector, term limit provisions, tax structure, citizen initiative and referendum, recall, minority party representation, number of Council members, etc.” Based upon expressed preferences in these areas, the Commission members agreed, etc., etc.
- Page vi – the four key advantages – the Commission felt a Chart should be prepared that emphasizes the four important points of the Charter. The key points should be listed in order of importance as follows:
important should be listed first and they should be changed as follows:
 1. Sound Fiscal and Planning Management
 2. Citizen Empowerment
 3. Revitalization of Leadership
 4. Professionalized and Accountable AdministrationThe *Revitalization of Leadership* should include vacancy replacement system that was more inclusive; the *Professionalized and Accountable Administration* should include language that talks about bureaucratic burden of the Borough Code; eliminate redundancies and burdensomeness of the Borough Code; add some flexibility in contracts and contract limits; flexibility in contract amounts; greater flexibility for contract bidding requirements. *Citizen Empowerment* should include citizen participation.

It was suggested that a chart be included in our presentation materials that compared the proposed changes in the Home Rule Charter vs what is currently permitted in the Borough Code.

Also, the Charter, cover letter and presentation materials should be included on the Malvern website. Woody reminded everyone the reason why this commission was started and reviewed the tax situation. He suggested that we make #3 on page V more explicit.

Game Plan for Public Hearing – Jim will work on a chart and distribute it to all members of the Commission. He will run the meeting and will highlight and explain the Charter. The commission members can say a few words about what they feel is important in the Charter. Finally, we will ask for public participation. If we produce an agenda for the February 4th meeting it should include a resolution for adoption.

Public Hearing is scheduled for Monday, February 4, 2008 at 7 p.m.

The next meeting for the Commission is scheduled for Monday, February 11, 2008 at 7 p.m.

All business having been discussed, a motion was made by Sandra Kelley, seconded by Woody VanSciver and unanimously carried by a vote of 4-0 to adjourn the meeting at 9:03 p.m.

Respectfully submitted,

Joan Fogarty
Recording Secretary