

ALTOONA GOVERNMENT STUDY COMMISSION MEETING MINUTES
MONDAY, JUNE 2, 2014 – 6:00 P.M.
CITY OF ALTOONA TRAINING FACILITY & COUNCIL CHAMBERS
1320 WASHINGTON AVENUE, ALTOONA, PA

CALL TO ORDER at 6:00 p.m. by Chairman Hippo

PLEDGE OF ALLEGIANCE

ROLL CALL was taken by City Clerk Linda Rickens Schellhammer; present were Study Commission Members: Dave Duncan, Heather Eckels, Richard Flarend, Bev Green, Robert Kutz, Vice-Chairman Richard Fiore Jr. and Chairman Wayne Hippo

ALL PUBLIC COMMENT – Christa Samuel, 1016 23rd Avenue; asked if the Charter will have anything regarding selling of City assets and referendum

ADOPTION OF THE MAY 19, 2014 MEETING MINUTES - Upon motion of Bob Kutz seconded by Dave Duncan all were in favor to adopt the May 19, 2014 meeting minutes and the motion carried; all were present

INTERVIEW – City of Altoona Interim City Manager Peter Marshall stated his comments represent his personal position and are not a reflection on any person or position in Altoona; Mr. Marshall stated he was a Municipal Manager 46 years and spent 35 of those years with Home Rule municipalities; Mr. Marshall stated adopting a Charter should not be fashioned around any present personalities or situations and should be based on the future and not the past; a Charter should be professional and offer political neutrality; Mr. Marshall explained the forms of government in the United States and Pennsylvania which include Council/Manager which is modeled after the American corporation and brings professional management to local government and the Mayor/Council form which is the political model and is similar to state and federal governments; the Commission form is the Galveston model and the town meeting form which is New England style; Council/Manager and Mayor/Council are the two major forms that are found in Pennsylvania; Mayor/Council is the conflict model and political and separates the powers of local government into an elected Council and an elected Mayor; Mayor/Council are typically found in larger, older and more diverse cities; the advantages are it can work well if the Mayor has good management skills and a Council of the same political persuasion; another advantage is the Mayor can speak as the political head of the government; disadvantages to the Mayor/Council form outweigh the advantages and include there is no guarantee that a local election will produce a strong, knowledgeable leader that complex municipal governments require now; there are no pre qualifications of experience, education or leadership talents to run for the Mayor's position; you could be stuck with a bad Mayor for four years; a modification to the Mayor/Council form is adding an administrator to the mix and this person is the Mayor's person; Council/Manager form began in 1908 and is a simple system whereby stock holders are voters, Board of Directors are elected Council; the CEO is a municipal Manager; the

Council is the head of government and appoints a Manager based on his/her education and experience and the Manager is responsible for the day to day operations of the municipality; the Manager is an employee of the Council and works at the pleasure of the Council; the advantages is that it is a cooperative form; the Council can replace the Manager without cause; the Manager doesn't change every time the Council changes and they can continue and maintain continuity; the Manager is trained and experienced in municipal management; the system eliminates appointment of employees because of their political dreams; the system encourages the appointment of professionals in their areas of expertise

A proposed Charter is a general document and the Administrative Code is where the details should be spelled out; Mr. Marshall suggested purchasing and contracts be less detailed with the majority moved to the Administrative Code; Mr. Marshall suggested numbers be removed from the Charter; Mr. Marshall commented on the draft Charter stating most sections were appropriate; Mr. Marshall cited page 5 and 6 of draft 4 state the executive powers should be vested in the Mayor who shall be the CEO of the City and in 4.3 it says the Mayor is responsible for all laws and that they are faithfully executed; next the draft states the Mayor is to facilitate the submission of the budget and capital program for City Council; next, with the advice and consent of Council the Mayor shall appointment and may remove the Manager and Solicitor; also, following nomination by the Mayor, Council by a majority vote may appoint a City Manager for an indefinite term and fix the compensation; Mr. Marshall stated this language takes the Council/Manager system and politicizes it; Mr. Marshall stated all of the other duties and powers of the Mayor are very appropriate but, by nominating the Mayor's person as the Manager changes the nature of the Council/Manager form of government; the National Civic League and International City Management Association state the three things that need to be present in order to call a government a Council/Manager form are that all of the authority of government has to rest with the Council, Managers responsibilities have to be spelled out by the Charter or by law, the Manager should not be subject to an individual direction of a Mayor or a single Councilmember as Council's power is in its majority; the Manager must be responsible to, hired by and can be dismissed only by the entire Council and not by one individual such as the Mayor or Chairperson; Mr. Marshall stated the above things are not true with what is written in this current draft and cannot be called Council/Manager

Mr. Marshall said the problem is modifying the system and having the Mayor nominating someone will make that person the Mayor's person; the Manager would be the Mayor's person if nominated by the Mayor; if the Council is not satisfied with the Manager then how does the Council get rid of him or her; Chairman Hippo said Peter has uncovered one issue that needs to be addressed; the draft says subject to the advice and consent from a majority of Council the Mayor shall appoint and may remove subject also to such consent;

Chairman Hippos asked Mr. Marshall about the position of Controller and whether it should be appointed by Council or elected; Mr. Marshall stated the City does not need a Controller's position and he has worked for 46 years without a Controller; Mr. Marshall stated the position came from the political model which was put in place as a separately elected person to keep tabs on the Mayor primarily and also the Council in terms of their spending; Mr. Marshall stated municipal finance is professionalized and if you have a Council/Manager form you have a professional Manager and there are all kinds of checks and balances in that; a check cannot be signed without looking at the backup data, there needs to be two signatures on a check; there is also an independent audit which takes place; Mr. Marshall said he never met a Controller until he came to Altoona; a Controller is elected and can do whatever they want which means they can do nothing at all or not even come to work or they can come to work and work all day as there is nothing written that requires a lot of activity by a Controller; Mr. Marshall stated the language on the Mayor section on page 3 C. could create the same thing as the elected Controller;

Chairman Hippo thought the Mayor would nominate and Council would approve and they would have to get to four or a majority vote; Mr. Hippo asked what happens when the Mayor changes because you will have the Manager serving hired under an indefinite term Mr. Hippo asked if the new Mayor would have the ability to nominate somebody right away or not; Mr. Marshall stated that means you have a Mayor that is stuck with the other Mayor's person; Mr. Marshall asked what happens when the Mayor loses and his person is in and Council changes politically or the Mayor changes politically; Mr. Hippo stated there isn't much change from what is in place now and that right now four people on Council can end the City Manager's contract; Mr. Hippo stated they want the Mayor to nominate but that was only when the position of City Manager was open; Vice-Chairman Fiore asked Larry Clapper to make sure that there can be four votes on Council to remove the Manager even without the Mayor's approval; Dave Duncan asked Mr. Marshall how you get the politics out of Council; Mr. Marshall stated he has been a Manager for 45 years and never had a problem with partisan politics; Mr. Duncan stated the Mayor is CEO and the Manager is COO and this is the difference and how he views it; the Mayor is the outside person and the Manager is the inside person; Mr. Fiore asked Larry Clapper to look at page 6 number 2 under 4.22 which has an ambiguous comment that he wants to be sure does not empower the Mayor; Larry Clapper stated this is from the Easton Charter; Mr. Fiore stated it was not the Commission's intent that the Mayor could direct department heads; Mr. Fiore stated the electorate will have to determine what is sufficient as far as full time Mayor as they were not going to place set work hours in the Charter; Mr. Duncan asked Mr. Marshall if he ever heard of or worked in any system where there was a performance review of elected officials; Mr. Marshall stated every system he worked in had that and the Manager had a performance review from Council and the Manager gave the Council a performance review of their performance as a body

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Vice Chairman Fiore asked if there needs to be a process for City Council to vote for/appoint a City Manager that was not nominated by the Mayor and second could the Council without the Mayor's recommendation be able to remove the City Manager

Chairman Hippo asked the Commission to decide on the Controller position next. Dave Duncan recommended they eliminate the Controller position and made a motion; Vice Chairman Hippo seconded the motion; there was no further debate on the motion; Linda Rickens Schellhammer called the roll for a vote; Dave Duncan, Wayne Hippo and Beverly Green voted yes and Heather Eckels, Richard Fiore, Richard Flarend and Robert Kutz voted no; the vote did not carry

Vice Chairman Fiore made a motion to eliminate the elected Controller position and make the Controller position optional and City Council may hire a non-elected position to carry out the duties if Council determines it is needed; Robert Kutz seconded the motion; Linda Rickens Schellhammer called the roll for a vote which passed 7 to 0 with all present

TRANSITION

Allentown page 20 and 21

The Commission reviewed as follows:

Sect. 1201 – okay

Sect 1202 – is in another part of the Charter

Sect 1203 – new position of Mayor as defined by the Charter would be eligible for primary election in May 2015, general election in November 2015 and take office in January 2016; there will be one Mayor for a term of four years; the current Mayor will become a Councilman and one of the open Council seats will be filled by the former Mayor; this is for the 2015 election

Sect 1204 – compensation recommended for Council approval by the Transition Committee

Wayne Hippo recommended the following language

Members of City Council in the municipal election of 2015 shall be compensated at salary determined by Council as recommended by the Transition Committee

Sect 1205 – there weren't any changes made in the Charter where the Commission would need to say that something is going away and it isn't necessary; during the year 2015 the status quo is kept and the old way exists until 2016

Sect 1206 – okay; Council may appoint someone at the expiration

Sect 1207 – okay with A; okay with B; remove C

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Sect 1208 - remove

Sect 1209 - okay

Sect 1210 – remove

Sect 1211 – remove

Sect 1212 – change

Remove the words ordinances, rules and regulations

Add documents to implement the terms of this Charter as stated above

Add:

B. membership – 2 Council members plus one alternate and 3 members from the gov't study Commission plus one alternate

Remove: the current Mayor

C. vacancies shall be filled by an alternate from whichever body the vacancy occurs

D. compensation - same

The Commission will attend the City Council Strategic Planning session ON June 9th from 5:30 to 6:30 p.m. in Council Chambers to review the draft Charter; the Commission will hold a public hearing at 7:00 p.m. that same evening in the auditorium of the Penn State Devorris Downtown Center with several groups speaking and commenting on the draft Charter; draft number 5 will be available to the public and be published to the website; several copies will be available for the public at the public hearing

ADDITIONAL PUBLIC COMMENT – none

MEDIA QUESTIONS - Media present included Bill Kibler, *Altoona Mirror*, Steve Willett, WRTA

ADJOURNMENT - by Chairman Hippo at 8:09 p.m.

Linda Rickens Schellhammer, CityClerk/Recording Secretary