

City of Hazleton Charter Drafting Process

City of Hazleton Government Study Commission



**PENNSYLVANIA
ECONOMY LEAGUE**
Information, Insight, Integrity.

November 18, 2025

Principles of Home Rule*

- Opportunity to shift governance from state municipal code to local citizens.
- Allows for *flexibility* in defining structure, powers, taxation and other functions of the municipality
- Opportunity to create a government that best meets the needs of the municipality

**PA Department of Community and Economic Development*

Major Drafting Issues

- Determine Form of Government
 - ◆ Retain current structure with or without modifications
 - ◆ Mirror forms in Optional Plans Section of Law Executive (Mayor)/Council Plans A, B, C Council/Manager Plan
 - ◆ Create a hybrid form
- Offer fiscal flexibility while guiding fiscal responsibility.

Charter Drafting

- All Charters have the same basic components.
- Differences vary to reflect the individual needs of that community.
- Specific number and type of positions, departments etc., will also vary with the municipality and selected form of government.
- Can take language from the applicable state codes rather than trying to reinvent the wheel. For example, using existing language from the current form of government code.

Style Guidelines

- Remember the four “Cs.”
 - **Clarity:** The basic requirement is simple, clear language.
 - **Consistency:** The study commission should work for internal consistency in drawing up a charter.
 - **Conciseness:** The study commission should aim for a satisfactory balance between brevity and precision.
 - **Correctness:** The charter should be legally correct.

Basic Charter Components

- A general grant of powers to the municipality.
- The basic organization of the government, including identification of all elected and chief appointed officials, placement of legislative, executive and administrative powers and duties and organizational interrelationships.
- Specification of critical legislative and administrative procedures and/or safeguards to assure due process.
- Provision for citizen participation in the local government and reservation of specific powers to voters.
- Mandates for desirable administrative practices such as a merit personnel system, long-range capital budgeting and professional auditing.
- General provisions covering matters such as transition procedures and the effective date.

PEL's Approach to Charter Drafting



- Review Current Form, likes/dislikes
- PEL presents series of single-issue questions/deliberations ensue
- PEL offers advice and guidance and can take part in discussions and serve as devil's advocate to ensure that all aspects of issue and all pros and cons are fully recognized
- GSC takes straw vote on each item

PEL's Approach to Charter Drafting



- With Commission's solicitor, PEL translates decisions into charter Sections & Articles, reviews all decisions to determine if they are internally consistent, in keeping with accepted practice, and consistent with the GSC's authority and applicable laws; concurrently, solicitor reviews
- Drafts of Articles are then reconsidered by the GSC, and revised as needed until charter is in final form; formal vote is then taken
- PEL helps frame Final Report
- Commission has sole control over all components of the charter and Final Report

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Sample Table of Contents

- *Preamble*
- *Article I - General Provisions*
- *Article II – Legislative Branch*
- *Article III – Executive Branch (Administration)*
- *Article IV – Other Elected Officials*
- *Article V – Appointed Officials*
- *Article VI – Mandated Departments (Optional)*
- *Article VII – Mandated Authorities, Boards and Commissions (ABC) (Optional)*
- *Article VIII – Personnel System*
- *Article IX – Administrative Code*
- *Article X- Fiscal Procedures*
- *Article XI – Citizens Participation / Initiative and Referendum*
- *Article XII – Transition*

Charter Sections

■ *Preamble*

- Assertions of We the People and the intent of home rule.
- Intent of charter drafters to provide efficient and effective services; to provide equity in taxation and services; and to provide for the health, safety and welfare of citizens.

■ *General Provisions*

- Name and municipal boundaries, general grant and exercise of powers, construction of charter.
- Miscellaneous provisions that do not fit elsewhere.
- Definitions.

Charter Sections

■ *Legislative Branch*

- Size, eligibility, method of election and terms, powers, duties, organization, quorum, vacancies, compensation, prohibitions, forfeiture of office, etc.
- Legislation – ordinances and resolutions.
- Ordinances (if not separate Article)
 - What council actions require an ordinance.
 - Ordinance adoption requirements, reconsideration, and public participation.
 - Requirements for public referendum.
- Non-interference and limitations on elected officials.
- City Clerk.

■ *Executive Branch (Administration)*

- Powers and duties of mayor, election and terms, eligibility, vacancy, prohibitions, compensation, forfeiture of office, etc.
- Department oversight.

Charter Sections

■ *Other Elected Officials*

- Controller, treasurer, etc.
- Election and terms, eligibility, qualifications, prohibitions, vacancies, powers and duties, compensation, forfeiture of office, etc.
- May be more than one article depending on number/type.

■ *Appointed Officials*

- Appointed department heads, solicitor, engineer, etc.
- Appointment procedures, qualifications, prohibitions, duties, compensation, etc.
- Removal procedures for appointed officials.
- May be more than one article depending on number/type.

Charter Sections

■ ***Mandated Departments (Optional)***

- Commonly mandated are police or public safety, administration, and finance. A charter may also state that departments be established as necessary.
- Details of departmental structure are often placed in administrative code instead of charter.

■ ***Mandated Authorities, Boards and Commissions (ABC) (Optional)***

- Commonly mandated boards are planning, zoning and personnel (Civil Service).
- Accountability, Conduct and Ethics Commissions.
- Authorizations or prohibitions on creation of authorities.
- Requirements or prohibitions for appointment to authorities, boards, or commissions.
- More than half of charters do not mandate any authorities, boards, or commissions.

Charter Sections

■ *Personnel System*

- Most charters require the development of a personnel system.
- Assure that hiring and wage setting are done in a fair and equitable manner.
- Some charters have specific articles for personnel; others incorporate elements of personnel system in other articles.

■ *Administrative Code*

- Nearly all charters mandate development of an administrative code.
- Charters must strike a balance between flexibility and control. Some areas of administrative organization are seen as important enough to be in the charter, placing them beyond the control of elected officials. Common examples are required systems for personnel, budget adoption and public inspection procedures, and competitive bidding for contracts.

Charter Sections

■ *Fiscal Procedures*

- Budget procedures, taxation.
- Officials responsible for budget preparation.
- Fiscal year, budget format, budget preparation and public inspection and hearings, deadlines for budget actions, revenue and taxation.
- Procedures and guidelines for budget modification and revision.
- Requirements for long range fiscal and capital plans, capital budget preparation and adoption.
- Potential limits on budget growth, exemptions.
- Independent audit.

Charter Sections

■ *Citizens Participation / Initiative and Referendum*

- Guarantee the right of citizens to be heard at a minimum under the existing laws of the Commonwealth.
- Initiative and referendum procedures. Initiative and referendum are in 76 percent of charters.
 - Initiatives are proposals that come from citizens. An initiative is initiated by citizens.
 - Referendums are proposals that come from lawmakers and are voted on by citizens.

Charter Sections

■ *Transition*

- Procedures needed to move to the form of government outlined in the charter. The amount of detail depends on the degree of change.
- Creation of a Transition Committee and membership.
- Effective date of charter, continuation of elected officials, temporary ordinances, transition committee, etc.
- Establish deadline and responsibility of elected officials for adoption of a new administrative code (recommended eighteen to twenty-four months).

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