

Pennsylvania State Association of Boroughs



Junior Council Person Program: Guide to Borough Government



JCP Local Government Guide for Junior Members

Thank you for committing to serve your borough through the Pennsylvania State Association of Boroughs' Junior Council Person Program (JCP). From its inception, the JCP has aimed to provide high school juniors and seniors across the commonwealth an opportunity to learn about and actively participate in borough government. By becoming a junior council person you have taken a step to strengthen your community and become a leader for future generations of public service minded individuals.

The following pages are designed to assist you during your term on borough council. This guide will explain, as simple as possible, the structure and nature of local government in Pennsylvania. It will give you details on the qualifications to become a borough councilman and the powers granted once a citizen is elected to the position. It will explain to you how meetings are conducted, why it is important to be accountable and transparent in your actions, and the various responsibilities placed on borough councils throughout the state. It will give you information on the fiscal powers of borough council and will explain to you the importance of providing municipal services to the residents of your community. We encourage you to ask your borough officials questions throughout the year and to dig deeper into community issues that are important to you.

Once again, thank you for your service and good luck with your term in office.

The Pennsylvania State Association of Boroughs

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The Structure of Federal, State and Pennsylvania Local Government

How is Government Structured?

Essentially there are three levels of government: federal, state, and local. You have learned about federal and state government in classes throughout high school and know there are three branches (Executive, Legislative, Judicial) to the federal and state government. The United States and Pennsylvania government are similar because the legislative branch is divided by a bicameral legislature (meaning there is a senate and a house of representatives).

The United States legislative branch has 435 House of Representative members and 100 Senators. The President of the United States leads the executive branch. In Pennsylvania, the legislative branch (known as the General Assembly) is comprised of 253 members; 203 House of Representative members and 50 state senators. Pennsylvania has the 2nd largest state legislature in the nation behind New Hampshire and is the largest full time legislature in the country. The Governor leads the executive branch in Pennsylvania. In both the federal and state government the judicial branch is comprised of the court systems and provides the third component to the checks and balances system in our government. To some Americans the different levels of government may seem excessive, but understanding the importance of government can help explain the important services provided by government at all levels. In Pennsylvania we have an expansive local government system that is larger and more complex than most states throughout the country

Local government in Pennsylvania is comprised of over 4,500 individual units. These individual units are known as local authorities and municipalities. All were established by the state or provincial government and operate under the laws of the Commonwealth. Each unit is distinct and independent of other local units, although they may overlap geographically and may act together to serve the public. The term *intergovernmental relation* is used quite often to describe the relationship between local, state and national government in Pennsylvania.

What is a Local Authority?

The authority is a special kind of local unit. They are not general government entities as are cities, boroughs, and townships. They are set up to borrow money and perform a special service. Projects include public facilities such as buildings, including school buildings, transportation facilities, marketing and shopping facilities, high-ways, park ways, airports, parking facilities, water works, sewage treatment plants, playgrounds, hospitals and industrial development projects.

What is a Municipality?

A municipality is an administrative entity composed of a clearly defined territory and its population commonly denotes a city, borough, or township. A municipality is typically governed by a mayor and a city council or municipal council. There are 67 counties and 2,500 municipalities in Pennsylvania. Municipalities in Pennsylvania are divided into cities (1st class, 2nd class, 2nd class A, 3rd class), boroughs, townships (1st class, 2nd class, and there is one town.

Questions to Consider:

- Can you name the different types of municipalities in your area?
- What are the benefits of having different levels of government? What are the weaknesses?
- Why can local governments sometimes be more effective than the state or federal government? How can they be less effective?

Challenge:

Find out who your state representative and senator are, and explore what kind of interaction they have with your borough council. Do you see intergovernmental relations in action? What benefits can having a relationship with state representatives have for your borough? What benefits can working with other municipalities have for your borough?

The Role of Borough Government

Why Boroughs?

Boroughs are important because they are the second most common form of municipal government in Pennsylvania, behind 2nd class townships. The 957 boroughs in Pennsylvania represent over 2.5 million Pennsylvanians. Approximately 15% of boroughs have populations over 5,000 and about 66% of boroughs have populations that are smaller than 2,500 residents. The largest boroughs are State College, Bethel Park, Norristown, Monroeville, and Plum. Multiple boroughs have populations under 100. The smallest are Centralia (Columbia County), S.N.P.J. (Lawrence County), New Morgan (Berks County), Valley-Hi (Fulton County), Green Hills (Washington County), and Seven Springs (Somerset County) all under 20 people. Serving a mixed urban, small town, and rural population, boroughs occupy a middle ground between city and township governments

What is the Role of Borough Government?

Basically, Boroughs are given power and acknowledged the right to use that power to represent individual rights for the good of society at large. People living in society need rules to regulate their behavior. Borough government is “legitimate because its officers are chosen in popular elections, and because it is subject to constraints found in written constitutions and laws”¹ ([Borough Code](#))². Borough governments provide the only “organized” voice for a community. The municipal government speaks for the community to the outside world. This includes state and federal administrative agencies, as well as in the state legislature and Congress. A rapidly growing role is in economic development where the municipal government represents community interests in encouraging or seeking employment-generating economic activities. The municipality provides important community services, which are unsuited to private enterprise. Many people do not realize how many services boroughs provide.

Boroughs are heavily involved in the maintenance of streets and have the ultimate responsibility for public safety, including police, firefighting, and emergency management. They often provide water, sewer, and refuse collection services, but also regulate the quality of life within the community. They can be done by enforcing state regulations regarding health and safety. The municipality can influence aesthetic factors and amenities, which contribute much to the quality of life. This can be done by removal of nuisances, control of noxious activities, building regulation, control of development through zoning and subdivision ordinances, animal control and other regulatory activities.

Through their elected representatives, citizens of a community can have a great deal of control over the general appearance and desirability of the community. This is also achieved through sponsorship or encouragement of local cultural or recreational activities, such as libraries, museums, concerts, parks, playgrounds, swimming pools, tennis courts, senior citizen centers, and other community activities.

¹ Department of Community and Economic Development (2000). “Borough Council Handbook.” Retrieved from www.newpa.com/get-local-gov-support/publications

² The Borough Code can be found at www.pacode.com

Questions to Consider:

- What is the largest borough in your county? How many boroughs are in your county? How many people live in your borough?

Challenge:

When you feel comfortable in your new role, ask one of your councilmembers what they think the role of borough government is in the community? Ask them what they feel are the most important responsibilities of borough government.

Office of Borough Councilor

Qualifications

There are a few basic qualifications you must meet to serve as a borough councilor:

- You must be a registered voter
- You must be a resident of the borough.
- Councilors must have resided in the borough continuously for at least one year before their election.
- To continue serving as a councilor, an individual must retain residence within the borough.
- To qualify as a voter, a person must be eighteen years of age and a resident of the election district. A person whose name appears on the district voting register but who is no longer a resident of the borough is not a lawfully registered elector.

Oath of Office

Before entering office, each councilor whether elected or appointed must take an oath or affirmation of office. A judge, district magistrate, notary, or the mayor can administer the oath. The councilor must swear to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform the duties of the office of councilor with fidelity. A copy of this oath must be filed with the borough secretary.

Vacancies

The most common reason for vacancies on council is through resignation. Individuals sometimes find the demands on their time; the pressure of private business activities, personal health, family problems, or the responsibilities of office are too much to cope with. Vacancies can also occur because of death, moving out of the borough, removal from office by the courts, or failure to qualify. Council has thirty (30) days to take action to fill a vacancy. If council fails to fill the vacancy within the prescribed limit, then the vacancy board fills the vacancy within fifteen (15) additional days by appointing a qualified person.

Removal from Office

Borough Council may remove a member from office under very limited circumstances. There are two main reasons:

1. Removal can occur if the councilor has neglected or refused to attend two successive meetings of council, unless detained by illness or necessary absence from the borough.
2. It can also occur if any councilor attending a meeting neglects or refuses to vote, withdraws from the meeting or otherwise refuses to act in their official capacity.

Removal from office is accomplished by a majority vote of the remaining council members. The disciplined member must first be given an opportunity for a hearing before council with at least a ten (10) day written notice. The hearing is to determine the necessity for absence or failure to act. However, a case arose in 1995 to recall the Mayor of

Kingston. While, this case deals with the recall of an elected official in a Home Rule Community the unanimous opinion of the Pennsylvania Supreme Court ruled that the Pennsylvania State Constitution only allows an elected official to be removed from the office through impeachment, conviction of crime, or misbehavior in office.

Questions:

- How long have your current borough councilors been in office?
- What are the roles of each council member? What positions or committees to they serve on?

Challenge:

Explore the different roles and responsibilities of each council member. Who have the past presidents been? Why is important to have knowledgeable people on each committee? What community members are involved with borough committees? Take some time to get to know these people.

The Legislative Role of Borough Councilor

The importance of the legislature at all levels of government is great, and it is no different for borough governments. As an elected borough councilor you will be involved in mainly a legislative role. The legislative role is vital in borough government because the actions taken by borough councilors decide the laws governing boroughs and affect residents of the borough and surrounding municipalities.

Meetings

The Borough Code requires council to meet at least once a month at a time and place designated by council. The Borough Code also requires council to meet on the first Monday of January in even numbered years to hold an organization meeting. The purpose of this meeting is to swear in new councilors who were elected to council during the November elections and to name officers and committees. Meetings often times are operated under [Roberts Rules of Order](#), which basically provides a set of conduct at meetings which allows everyone to be heard and make decisions without confusion.

Voting

The Borough Code sets minimum requirements for a **quorum** to do business at a meeting. A quorum is when a majority of the current members of council are present at a meeting. For example, if there are seven members on council and four of those members are present for a meeting, then you have a quorum. If a quorum is present, then a majority of the votes cast on any particular question will carry the issue. This is the case even if this number does not constitute a majority of the quorum. A councilor with a personal interest in any matter cannot vote. Although members are prohibited from voting on any issue where there is a personal conflict of interest, they sometimes abstain from voting on issues where they have no personal interest.

Ordinances and Resolutions

As a councilor one of your primary responsibilities will be to pass ordinances and resolutions along with other members of council. An **ordinance**³ is generally defined as a local law of a municipal corporation of a general or permanent nature. In some cases the Borough Code specifies when an ordinance should be used. If no specific direction is given in the Borough Code then an ordinance should be used if the matter has general application or is of a permanent nature. A **resolution**⁴ on the other hand is considered as being less formal than an ordinance and used when the matter under discussion is either specific or of a temporary nature, pertains to the transaction of current business or ordinary administration of municipal affairs.

³ [Sample Ordinance](#)

⁴ [Sample Resolution](#)

Minutes and Records

Council must keep minutes of its proceedings and official actions and other record books it finds necessary in the performance of its duties⁵. All minutes, records and books must be open to public inspection by any taxpayer at any reasonable time. The elected officials must deliver all records, books, and minutes to their successors.

All borough records required to be recorded or transcribed will be valid if typewritten, printed, photostated or microfilmed. The minutes of the proceedings of council may be recorded in a bound book or mechanical post binder book. Any records, attachments, or transcriptions added to a record book must bear the official borough seal impressed upon each page. It has become very important that all actions of council be carefully recorded, especially those actions involving the expenditure of funds. It is also important to record votes in both legislative and financial actions.

Councilors disagreeing with a majority action of council should make certain their no votes are recorded. A councilor recorded as voting against an action cannot be held responsible for the action if it later is declared illegal. Any errors in roll call votes should be corrected the instant they occur during a meeting; councilors cannot change their votes after the meeting is adjourned and the vote is recorded.

Questions:

- Explore [Roberts Rules of Order](#), how would this help a meeting run more efficiently? Has your council adapted these rules, or some version that eliminates confusion during meetings?
- Explore Pennsylvania's "[Right to Know Law](#)". How does it make local government more transparent?
- What are some of the most recent ordinances or resolutions passed by council? What was the importance of passing these?

Challenge:

Often times, minutes from council and board meetings are posted online. Take a look at the past few months' meetings to get a feel for what the issues are in your borough.

⁵ [Sample Minutes](#)

Administrative and Appointive Powers

Borough councilmen are responsible, directly or indirectly, for the operations of all functions of the borough's government. Local government is becoming more complex every day. Residents are demanding more services and federal and state governments are placing more responsibility at the local level. The administration of local government has reached the point where it is extremely difficult for a governing body to handle all of the day-to-day administrative functions without help. Many boroughs have delegated extensive administrative powers to the appointed officials. Large boroughs have generally appointed a manager for this purpose, while many smaller boroughs utilize the secretary to perform many administrative tasks.

Appointed Administrator

If your borough has appointed a manager or administrator, that person has the responsibility for taking care of the day-to-day business of the borough. It is the responsibility of elected officials to ensure the performance of the administrator is efficient and effective. Whenever a borough has a manager or administrator, there should be a clear separation of powers and responsibilities between the governing body (mayor and council) and the administrator.

It is important to remember that policy and legislative powers should remain the responsibility of council, while administrative functions are handled by the administrator. Keep in mind an administrator is appointed by the entire council and carries out the official actions of the entire council. Elected officials should avoid telling him or her what to do personally as they do not speak for the entire council.

The success of a borough administrator really depends on how well he/she is able to develop a good working relationship with elected officials because they can be useful to councilmen as a sounding board for ideas and a source of valuable information.

Councilmen should not bypass the administrator and give orders directly to department heads or employees because directions and orders should go through the administrator. However, councilmen are encouraged to meet informally with the administrator for the purpose of exchanging ideas and opinions on the issues arising in the borough.

Personnel Management

Personnel management is one of the keys to an efficient borough government operation. It is probably the area, which can cause the greatest problems for borough councils if handled poorly. Many functions of local government are categorized under personnel management: recordkeeping, employee hiring policy, affirmative action, personnel in-service training plan, employee relations policy, systems for maximizing employee potential, standards for wage and salary administration, and providing for employee benefits. Even the smallest boroughs need to understand the importance of personnel issues, since even they are not immune from being charged with discrimination or violation of a statute.

Appointment Powers

In order for a borough to be efficient and operate well it takes the efforts of many people. Many times the elected officials and employees have insufficient time or expertise to personally become involved in every aspect of borough government. The Borough Code and state legislation allow council to enlist the capabilities of citizens of the borough through creating authorities, boards, and commissions. Some of these entities are mandatory, such as a zoning hearing board if your borough has enacted a zoning ordinance, but many others are not. Authorities, boards, and commissions not only allow elected officials to draw on citizens with particular expertise, but also provide an outlet for citizens to become more directly involved in their government.

The members of most authorities, boards and commissions serve without pay and their primary reward is their own personal satisfaction from helping the people of the borough. When a borough council has the opportunity to recommend appointments to authorities, boards, and commissions they should strive to have many different cross sections of the borough as possible represented. People from different neighborhoods, occupational backgrounds, and with different interests should be appointed. Since many appointed offices are semi-independent of the governing body, such as the zoning hearing board or municipal authority, it is especially important the persons appointed have certain personal qualifications such as patience, understanding, courteousness, reasonableness, and fairness. You should attempt to utilize people who can make unbiased judgments in dealing with borough concerns.

Positions Appointed By Council

- **Solicitor**-One of the most important appointments is that of solicitor. Solicitor is just another name for lawyer or attorney. In borough government, especially smaller boroughs, the solicitor is often times the only source of immediate source of on-site professional assistance.
- **Engineer**-Another common appointment, even in small boroughs, is that of borough engineer. The engineer can be a valuable source of advice during road and bridge construction, site plan and subdivision reviews and some of the more complex environmental issues. The process of appointing an engineer is very similar to that of hiring a solicitor. A borough needs an individual who has a broad general knowledge of engineering and is accessible to assist with immediate problems and plan reviews. It is also important to have a brief written understanding with the engineer regarding attendance at meetings and hearings, hourly rates for other assistants in the firm's office and any restrictions fixed by the borough council on engineering work done for other clients.
- **Emergency Management Coordinator**- This position is one of the least used but perhaps one of the most important positions in a borough. State law dictates that each municipality has an emergency management coordinator and an emergency plan. The coordinator can be an existing employee of the borough and, in fact, is often the fire chief or police chief. Since emergencies come in all forms, from toxic material spills to blizzards, council must feel comfortable with the ability of the individual to function in a variety of situations. In addition, the borough must have

a plan spelling out how and when an emergency is declared and the powers given to the emergency coordinator. While emergencies are rare, it is the duty of council to prepare for them. You can't predict when the unexpected is going to occur.

Boards and Commissions

The following is a list and brief explanation of some the different boards and commissions you can find in the community.

- *Planning Commission*-planning commissions can be a very beneficial way to explain to residents the way the borough is growing and planning for the future. Some key components to this board are land use, land development and zoning.
- *Parks and Recreation Board*-Boroughs have the power to provide, improve, maintain and regulate public parks, playgrounds, playing fields, swimming pools and recreation centers.
- *Zoning Hearing Board*-If your borough has passed a zoning ordinance, than it must appoint a zoning hearing board. This board is appointed to hear appeals on the validity of the zoning ordinance, map, or any decision of the zoning officer. The board has the power to grant variances and special exemptions to the ordinance. It is important to note that the zoning board is a 3 or 5-member panel made up of *non*-elected community members. The zoning board must appoint its own solicitor who is not the borough solicitor to avoid any conflict between the zoning board and the borough council.
- *Shade Tree Commission*-This commission has power over the shade trees in the borough. They have the authority to plant, remove, maintain and protect shade trees on public streets and highways of the borough.
- *Civil Service Commission*-Any borough employing three or more members in its police or fire department must establish a civil service commission. This commission has the power to provide for the examination of applications for positions and promotions, establish minimum qualifications for positions, test applicants for appointments and provide hearings in cases of dismissals or reductions in rank for those employed under civil service status.
- *Board of Health*-A borough can appoint a board of health composed of five members or appoint a health officer who has the same powers as the board. This board has the power to enforce the health laws of the Commonwealth of Pennsylvania, regulations of the state Department of Health and Department of Environmental Protection and any ordinances of the borough relating to health.

Challenge:

- If your borough has a manager/secretary who takes care of personnel management ask them how they handle various personnel issues. Some things to ask them about are hiring/firing employees, training employees, and salary administration and labor relation laws. This person is a great source of knowledge for the ins and outs of borough government.
- Ask the manager why he chose to become a borough manager and check out the following website for additional information on municipal management (www.icma.org).
- Find out how to inquire about your borough's emergency plan. Is your borough vulnerable to any specific natural disasters? Man-made disasters? Who is the emergency coordinator in the borough?

Fiscal Powers

Taxes

The primary source for borough revenues is local taxes. The two local taxes that produce the most revenue are real estate tax and earned income tax. The real estate tax produces, on average, 20% of revenues for boroughs, while the earned income tax produces an average of 13.5% of the revenue. Other sources of revenues for boroughs are earnings from electric and water utilities; grants from federal and state agencies; and sewer rents and charges, and fees.

Millage

It is important to note that local tax systems in Pennsylvania are independent from one another. This means that if your family owns property that they pay local taxes to your borough, school district and county. With the real estate tax being one of the biggest sources of tax revenues for boroughs it is important to understand **millage**. Simply put, one mill is equal to one dollar for every one thousand dollars of property owned by a resident.

$$1 \text{ mill} = 1 \text{ dollar}/1000 \text{ dollars of taxable property}$$

Another factor that affects property tax is the **millage rate**. Counties, boroughs, and school districts have different limits in which they can tax someone's personal property. Most counties have a 25 mill general purpose limit for real estate tax, with the exception of Bucks, Delaware, and Montgomery who have a 30 mill limit. Boroughs have a 30 mill general purpose limit and school districts have a 25 mill limit, with the exception of Pittsburgh school districts, which have a 32.25 mill limit.

So for example, if your family owns property that is assessed at 100,000 dollars and your borough has a millage rate of 25 you would be paying 2,500 dollars a year in real estate tax to your borough.

$$\begin{aligned} 100,000/1,000 &= 100 \\ 25 \text{ mills} \times 100 &= 2,500 \text{ dollars/per year} \end{aligned}$$

Budgeting

Basically, the budget is a plan on how to spend the borough's money. The budget is very important and requires an immense amount of effort and detail from borough officials. The Department of Community and Economic Development (DCED) prepare budget forms in conjunction with municipal associations. The borough budget must be enacted before December 31 of each year. Typically, the budgeting process begins months in advance of the December 31 deadline. During the budgeting process, attention is focused on the general fund, capital improvement fund and proprietary funds (such as the sewer fund). As with any governmental activity the budget should aim to provide two things to the citizens in your community, transparency and accountability. These are two terms that we hear often in government and for good reason. Showing citizens the need for services, how they are purchased, and for what cost is critical for every borough to be successful.

Questions to Consider:

1. What is the millage rate in your community for the general fund? Are there other millage rates for other funds in the borough?
2. If you owned 50,000 dollars worth of property how much would you pay in property tax each year?
3. What does it mean if a property is "tax exempt"? How can tax-exempt properties affect the tax base in your community?

Challenge

Access www.newpa.com and compare millage rates in your community and others. Are there any major differences in millage rates or is each municipality pretty equal across the area?

Municipal Services

Streets

One of the primary functions of boroughs is the maintenance of streets and roads. Most likely in every borough, you can find a part of the expenditures spent on the roads. Some of these expenses are available due to the state liquid fuels fund, which is money from the state department of transportation provided to individual municipalities. The money received is based on a formula that takes into account the miles of roads in the municipality and the municipality's population. The Borough Code explicitly imposes duties on councils to keeping the roads open. The Borough Code requires boroughs to keep the roads and bridges in repair and free of obstructions. Borough council has the power to provide for sidewalks, curbs, gutters, and water drains within the borough. These items can be installed at the public's expense or paid in part or totally by property owners.

Street Lighting

The Borough Code authorizes council to provide streetlights either paid from the general revenues or a special street lighting tax. Boroughs may include provisions in their subdivision and land development ordinances, which regulate the construction of street lighting systems, including distances between lights, types of lights, and styles of poles.

Police and firefighting

Around 75% of boroughs have local police agencies that provide protection; including local police forces, regional forces, and contracted services. The remaining boroughs rely on state police protection. The advantages of boroughs having their own police force are that the response time to resident's needs is quicker. However, police protection is one of the largest expenditures for borough governments each year.

The Borough Code gives council the power to control fire protection activities within the borough. To ensure that the borough has adequate fire coverage council may purchase fire apparatus for use in the borough or appropriate funds to fire companies located in the borough. Another trend is that some boroughs contract with nearby municipalities or fire companies for fire protection services. In most boroughs, fire service activities are delegated to independent volunteer fire companies. If the fire company is located within its borders the borough is responsible for carrying worker's compensation insurance for the firefighters.

Ambulance/Rescue Service

Boroughs are authorized to support ambulance and rescue services. The service may be volunteer based, offered directly by borough employees, or provided by a nonprofit organization with paid employees. In years past, volunteer firefighters were often trained as paramedics, but due to stringent new training requirements it is rare to find a volunteer firefighter who has the time to meet the training hours to be a paramedic.

Parks and Recreation

Boroughs may acquire and operate parks or other recreation facilities and may also acquire land for future park development. The borough can operate the facilities directly or assign this duty to a recreation board. Either way, having parks and recreation in your borough is always an advantage for residents.

Libraries and Cultural Services

Boroughs also provide for libraries and cultural services for their residents. Boroughs often have to contribute to the funding of a local public library to ensure their citizens have access. Boroughs may cooperate in funding a regional library in a nearby town or may undertake the provision of these services themselves.

Building and Housing Codes

Building and housing codes dictate the way boroughs exercise their police powers to regulate construction and maintain the quality of existing structures. Building codes attempt to assure the construction of safe structures to protect their occupants from injury resulting from collapse, rapid conflagration, and other problems with new construction. Housing codes provide minimum standards for the use and occupancy of dwelling units and residential structures.

Sewer and Water Services

Boroughs have the power to construct and operate their own sewer systems. In years past, restrictive debt limits made it hard for boroughs to borrow money to construct sewer systems, encouraging the use of authorities for this purpose. Due to new federal and state regulations that call for reduced pollution in local watersheds, many boroughs are trying to find ways and generate funds to improve their sewer and water systems.

Questions to Consider:

- Does your borough have a police force? If so, how many officers are employed by the borough?
- Does your borough provide its own sewer or water services? If it does not, how do they receive these services?

Challenge:

If your borough has a police force take some time to talk to the police chief. Ask him any questions you may have regarding the safety of your community. If you do not have a police force, find out how to locate the closest state police barracks that serves your borough.