

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF GETTYSBURG,
ADAMS COUNTY, PENNSYLVANIA, DECREASING THE NUMBER
OF COUNCIL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF GETTYSBURG FROM NINE (9) TO SEVEN (7)
MEMBERS AND PROVIDING FOR THE ELECTION OF TWO (2)
MEMBERS OF COUNCIL FROM EACH WARD OF THE BOROUGH
AND THE ELECTION AT LARGE OF ONE (1) MEMBER OF
COUNCIL.**

WHEREAS, section 815 of the Borough Code (8 Pa.C.S. § 815), Act 37 of 2014, provides that for a borough divided into wards with a council consisting of more than seven (7) members, at least five (5%) percent of the registered electors of the borough shall have the power to petition council for a decrease in the number of council members from each ward, but in no instance shall a council be decreased to a number fewer than seven (7) members; and

WHEREAS, section 815 of the Borough Code sets forth that the purpose of a decrease in the number of council members may be to achieve any or all of the following results: (1) a council that is less unwieldy in size; (2) a council that is comparable in size to boroughs not divided into wards; (3) a council consisting of an odd number instead of an even number; (4) a reduction in borough expenditures; and (5) the expedition of the conduct of council meetings; and

WHEREAS, consistent with the requirements of section 815(b) of the Borough Code, a petition (hereinafter referred to as the "Petition") for the decrease of the membership of the Borough Council of the Borough of Gettysburg (hereinafter referred to as the "Borough Council") from nine (9) members to seven (7) members was presented to the Borough Council and was filed with the Borough of Gettysburg (hereinafter referred to as the "Borough") on November 10, 2014; and

WHEREAS, the Petition presented to the Borough Council states the request of the petitioners that the number of council members in each ward of the Borough be reduced from three (3) to two (2) members. The Petition also states that it is necessary to add a council member to be elected at large in order to achieve and maintain a Borough Council consisting of at least seven (7) members and to achieve and maintain a Borough Council consisting of an odd number of members. The Petition further states the reasons why the reduction in number of members of the Borough Council is desired by the petitioners; and



WHEREAS, at its monthly general business meeting held on November 10, 2014, the Borough Council following the presentation of the Petition authorized the scheduling and the giving of notice of a public meeting of the Borough Council to occur on December 8, 2014 for the purpose of the consideration of the Petition; and

WHEREAS, as of November 10, 2014, the Borough electorate was comprised of 4,271 registered electors as established and confirmed by the Office of Elections and Voter Registration of Adams County, Pennsylvania; and

WHEREAS, the Petition was reviewed on behalf of the Borough by its solicitor and it was determined to be signed by 285 registered electors of the Borough as of November 10, 2014. It was, therefore, determined to be sufficient as to the number of signers being in excess of six (6%) percent of the registered electors of the Borough as of the aforesaid date when the Petition was presented to Borough Council; and

WHEREAS, a notice of the filing of the Petition was published in both the Adams County Legal Journal and The Gettysburg Times fixing Monday, December 8, 2014 at 6:00 p.m. as the date and time of the public meeting of the Borough Council for consideration of the Petition; and

WHEREAS, consistent with section 815(c) of the Borough Code, on December 8, 2014, the Borough Council conducted a public meeting to review and consider the Petition, to receive public comment and to deliberate on and authorize any subsequent action on the Petition; and

WHEREAS, following its consideration of and deliberation on the Petition at its public meeting held on December 8, 2014, the Borough Council authorized the preparation and publication for subsequent enactment of an ordinance to decrease the number of council members from nine (9) to seven (7) members consistent with the requests contained in the petition for the purpose of enacting the ordinance at the January 12, 2015 general monthly business meeting of the Borough Council.

NOW, THEREFORE, the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania hereby enacts, adopts, and ordains the following:

SECTION 1. NUMBER OF BOROUGH COUNCIL MEMBERS SET.

Commencing on the first Monday in January 2016, the Borough Council of the Borough of Gettysburg shall organize and shall consist of seven (7) members.

SECTION 2. WARDS RETAINED.

The Borough shall remain divided into three (3) wards, with two (2) members of the Borough Council representing each ward of the Borough and with one (1) member of the Borough Council representing the Borough at large.

SECTION 3. CURRENT TERMS PRESERVED.

All members of the Borough Council currently in office shall remain in office until the end of their respective terms on the Borough Council.

SECTION 4. ELECTION SCHEDULE ESTABLISHED.

One (1) member of the Borough Council from each of the three (3) wards of the Borough shall be elected in the 2015 municipal election to be held on November 3, 2015 and one (1) member of the Borough Council from each of the three (3) wards shall be elected in each subsequent municipal election thereafter. One (1) member of Borough Council, who shall serve the Borough at large, shall be elected initially in the 2015 municipal election and then in the municipal elections held every four (4) years thereafter. The election schedule for the next three (3) municipal elections following the enactment of this ordinance shall be as follows:

2015 Municipal Election

First Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2016.

Second Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2016.

Third Ward: one (1) member of the Borough Council member to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2016.

At Large: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday in January 2016.

2017 Municipal Election

First Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2018.

Second Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2018.

Third Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2018.

2019 Municipal Election

First Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2020.

Second Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2020.

Third Ward: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday of January 2020.

At Large: one (1) member of the Borough Council to be elected for a four (4) year term, with the term of office commencing on the first Monday in January 2020.

SECTION 5: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6: The provisions of this ordinance are severable, and if any section, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Borough Council that this ordinance would have been enacted

if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 7: This ordinance shall become effective upon enactment.

THIS ORDINANCE DULY ENACTED AND ORDAINED according to law on this 12th day of January, 2015, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg.

BOROUGH OF GETTYSBURG

By: _____
Michael J. Birkner
President of Borough Council

Attest:

Sara L. Stull, Secretary

APPROVED this ____ day of January, 2015.

William E. Troxell, Mayor