

# **HOW TO: REDUCE THE SIZE OF COUNCIL**

## **SECTION 818 of the BOROUGH CODE**

PSAB is often asked what to do when borough officials consistently can't find anyone to fill a vacancy on council or how to spark interest for a registered elector to run for office in the upcoming municipal election. A few reasons why people don't serve include the following: there are a lot of meetings, they have a busy family life shuttling children to activities, some are totally apathetic to the political process even though national surveys show that local government is rated higher than state or federal government.

At times, a resident is not a viable candidate because he is not a registered voter or perhaps hasn't lived in the borough one year continuously prior to the date of the November election. Or it could be that the person is ineligible for office because under Article II, section 7 of the Pa Constitution he has been a convicted felon and while he has served his sentence is prohibited from running for public office or serving (as an appointee) in political office.

More than 400 boroughs have less than 1,000 population and yet even boroughs with twice that population have used section 818 of the Borough Code to reduce the number of council members.

Here is the procedure to reduce the number of council members. The registered electors must circulate a petition that it wants the county court to reduce the number of council members from seven to five or to three and this petition must be signed by 5% of the registered "electors.". When the petition is presented to court, it (the court) verifies that the signatures are valid registered electors.

The court shall give notice in the county's legal newspaper that a petition has been presented to reduce the size of council and set the time for the hearing. At the hearing, the petitioners must justify their request with anecdotal information for the court to make this important decision. After the hearing the court makes the decision to either reduce the number of seven to five or in rare cases to three.

This does not mean that in the meantime if there's a vacancy on council, that council refuses to fill it.

Below is the procedure under section 818 (c) of the Borough Code when council decreases from seven to a five-member council:

(1) At the municipal election following the decrease in the number of members of council from seven to five:

(i) If four members of council would otherwise have been elected, three members shall be elected.

(ii) If three members of council would otherwise have been elected, two members shall be elected.

(2) At the second municipal election following the decrease in the number of members of council:

(i) If four members of council would otherwise have been elected, three members shall be elected.

(ii) If three members of council would otherwise have been elected, two members shall be elected.

(3) At all following municipal elections, the proper number of members of council shall be elected to correspond to the number of members of council whose terms are to expire the first Monday of the following January.

Or, if council has decided to decrease the number of council members to three, then here are the actions to accomplish this.

(1) At the municipal election following the decrease in the number of members of council from seven to three:

(i) If four members of council would otherwise have been elected, two members shall be elected.

(ii) If three members of council would otherwise have been elected, one member shall be elected.

(2) At the second municipal election following the decrease in the number of members of council in the borough:

(i) If four members of council would otherwise have been elected, two members shall be elected.

(ii) If three members of council would otherwise have been elected, one member shall be elected.