

Bond Case Briefs

Municipal Finance Law Since 1971

TOWNS - PENNSYLVANIA

Varner v. Swatara Township Board of Commissioners

Supreme Court of Pennsylvania - June 1, 2018 - A.3d - 2018 WL 2449178

Township residents and commissioner filed declaratory petition challenging validity of ordinance by which township board of commissioners purported to alter the one-ward five-commissioner at-large system back to a nine-commissioner by-ward system without judicial approval.

The Court of Common Pleas granted petition. Board appealed. The Commonwealth Court affirmed. Board petitioned for discretionary review.

The Supreme Court of Pennsylvania held that:

- Judicial approval was needed pursuant to First Class Township Code section governing wards, and
- Constitutional and statutory provisions providing authority to reapportion into districts a governing body that was not entirely elected at large did not apply.

Township board of commissioners' passage of ordinance purporting to alter its one-ward five-commissioner at-large system back to a nine-commissioner by-ward system was not a reapportionment governed by State Constitution and the Municipal Reapportionment Act, but rather was governed by the First Class Township Code governing wards, and thus judicial approval was needed pursuant to Code; board did not act to rebalance the population within the districts but instead restructured the form of government by completely eliminating the wards.