

**ORDINANCE NO. 2018 – 1**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE TO INITIATE THE AMENDMENT OF SECTION 903  
(OPERATING BUDGET) OF THE HOME RULE CHARTER OF THE  
BOROUGH OF MALVERN PURSUANT TO THE TERMS OF THE HOME  
RULE CHARTER AND THE HOME RULE CHARTER AND OPTION PLAN  
LAW**

**WHEREAS** the Borough of Malvern (“Borough”) enacted a Home Rule Charter in 2008 pursuant to the Pennsylvania Home Rule Charter and Optional Plan Law, 53 Pa.C.S.A. §§2901 *et seq.*; and

**WHEREAS** the Borough Council (“Council”) has determined that it is in the interest of the Borough and its citizens to amend the terms of Section 903 B. of the Home Rule Charter insofar as the same section relates to the advertisement of the preliminary budget of the Borough each year; and

**WHEREAS** the Home Rule Charter at Article XIII requires that an amendment to the Home Rule Charter be conducted in the manner provided in the aforementioned Home Rule Charter and Optional Plan Law; and

**WHEREAS** The Home Rule Charter and Optional Plan Law requires that the Council, by ordinance, initiate such amendment via referendum, and to file such ordinance, together with other related materials, with the election officials of the County where the home rule municipality is located; and

**WHEREAS** the Pennsylvania Election Code, 25 P.S. §§ 2600 *et seq.*, prescribes the method of presenting such referendums in the form of a Ballot Question together with an explanation of such Ballot Questions in plain English;

**NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH AS FOLLOWS:**

**Article I – Initiation of Amendment Process**

1. Pursuant to 53 Pa.C.S.A. §2942, the Borough Council of the Borough of Malvern by these presents initiates the referendum on the question of amendment to the Home Rule Charter of the Borough of Malvern in accordance with the terms of this Ordinance; and
2. The Borough Council hereby directs the Borough Manager, Borough Secretary, and Borough Solicitor to take such steps as are necessary or advisable pursuant to the Home Rule and Optional Plan Law, 53, Pa.C.S.A. §§2901, and the Election Code, 25 P.S. §§ 2600 *et seq.*, or other applicable law in order to effect the purposes as described herein, including, without limitation, the approval of any revisions to the hereinafter described Proposed Ballot Question, Proposed Plain English Statement, or both, such as may be required by applicable law.

## **Article II – Statement of Purpose**

The Purpose of this Ordinance, and the Amendment to the Home Rule Charter it embodies is to clarify that the summary preliminary budget, or of any other draft or proposed version of the annual budget, or any portion thereof, of the Borough of Malvern should only be advertised once in one newspaper of general circulation, and not in two newspapers of general circulation as currently required.

## **Article III – Text of Amendment**

The third full sentence of Section 903 B. of the Home Rule Charter shall be DELETED in its entirety and REPLACED with the following text:

“A summary of the preliminary budget shall be advertised at least once in one or more newspapers of general circulation, or as otherwise authorized by law, at least ten days before the date set for the final adoption.”

The remainder of Section 903 B. shall remain intact and in full force and effect.

## **Article IV – Proposed Ballot Question**

With the knowledge and understanding that the final Ballot Question is within the discretion of the Board of Elections pursuant to 25 P.S. § 3010, in the interest of clarity, the Borough Council hereby proposes the following text as the Ballot Question:

“Shall Section 903 B. of the Home Rule Charter of the Borough of Malvern be amended, effective immediately, to reduce from two to one the number of newspapers of general circulation in which a summary of the annual, preliminary budget must be advertised?”

## **Article IV – Proposed Plain English Statement**

Pursuant to 25 P.S. § 2621.1, the Borough Council hereby proposes the following Plain English Statement:

The ballot question, if approved by the voters, would amend Section 903 B. the Home Rule Charter of the Borough of Malvern. Section 903 B. relates to procedure for the adoption of an annual budget by the Borough Council. The current text requires the Borough to advertise the summary of the preliminary budget in two newspapers of general circulation. The proposed change would permit the Borough to advertise the summary of the preliminary budget in just one newspaper of general circulation.

Every piece of legislation proposed for enactment by the Borough, including the summary of the annual preliminary budget, is currently advertised in the Daily Local News. The Daily Local News is a newspaper of daily, general circulation in and around the Borough of Malvern. The existing Home Rule Charter requirement to advertise in two newspapers of general circulation requires the Borough to also advertise the annual summary of the preliminary budget in the Philadelphia Inquirer as well. This is the only piece of legislation that requires advertisement in two newspapers and it results in significant additional cost because the Philadelphia Inquirer has a much wider circulation than the Daily Local News and is more expensive to advertise in.

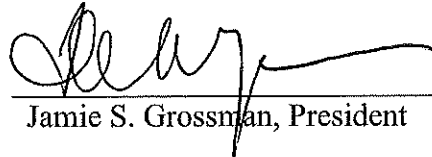
Therefore, in order to save the taxpayers of the Borough of Malvern from that additional cost, and also to assure that the procedures for the enactment of all legislation by the Borough are more consistent, this amendment would reduce the number of newspapers where advertisement is required from two to one.

**Article V – Effective Date**

This Ordinance shall become effective immediately.

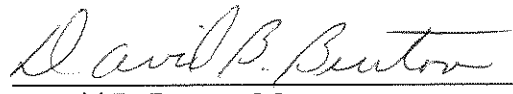
Passed by Borough Council,

this 3 day of April, 2018.

  
\_\_\_\_\_  
Jamie S. Grossman, President

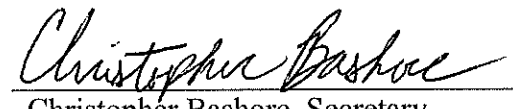
Approved by the Mayor,

this 3 day of April, 2018.

  
\_\_\_\_\_  
David B. Burton, Mayor

Enacted,

this 3 day of April, 2018.

  
\_\_\_\_\_  
Christopher Bashore, Secretary

**ADVERTISEMENT TEXT**

NOTICE OF PROPOSED ENACTMENT OF ORDINANCE. NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Malvern, during their regular meeting on March 20, 2018 at 7:30 p.m. at Malvern Borough Hall, 1 East First Avenue, Malvern, PA 19355, will consider the enactment of AN ORDINANCE TO INITIATE THE AMENDMENT OF SECTION 903 (OPERATING BUDGET) OF THE HOME RULE CHARTER OF THE BOROUGH OF MALVERN PURSUANT TO THE TERMS OF THE HOME RULE CHARTER AND THE HOME RULE CHARTER AND OPTION PLAN LAW. In summary, the proposed Ordinance would initiate the referendum process necessary to amend the Borough's Home Rule Charter to reduce the number of newspapers where the annual summary of the preliminary budget must be advertised from two newspapers of general circulation to one newspaper of general circulation. Any person with a disability who requires an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Borough at 610-644-2602 three days prior to the meeting. Complete copies of the ordinance described above are available for public inspection at the Borough of Malvern Borough Hall, 1 East First Avenue, Malvern, PA 19355, during normal business hours, Monday through Friday. The full text of the proposed ordinance, including the statement of purpose, proposed ballot question text, and proposed plain English explanation of the amendment are available online at [www.Malvern.org](http://www.Malvern.org).

**BALLOT REFERENDUM ADVERTISEMENT TEXT**

NOTICE: The Electors of the Borough of Malvern will please take notice that, in accordance with the provisions in 53 Pa.C.S.A. Section 2952, entitled "Notice of Election," notice is hereby given that the below referendum question will appear on the Ballot at the General Election to be held on Tuesday, November 6, 2018:

**"Shall Section 903 B. of the Home Rule Charter of the Borough of Malvern be amended, effective immediately, to reduce from two to one the number of newspapers of general circulation in which a summary of the annual, preliminary budget must be advertised?"**

**YES or NO**

The text of such proposed amendment is set forth below in its entirety:

*The third full sentence of Section 903 B. of the Home Rule Charter shall be DELETED in its entirety and REPLACED with the following text:*

*"A summary of the preliminary budget shall be advertised at least once in one or more newspapers of general circulation, or as otherwise authorized by law, at least ten days before the date set for the final adoption."*

*The remainder of Section 903 B. shall remain intact and in full force and effect.*

Christopher Bashore  
Borough Manager &  
Borough Secretary  
Borough of Malvern