Easton, Pennsylvania  
October 6, 2016

A regular meeting of the Northampton County Council was held on the above date with the following present: Seth Vaughn, Vice President; Mathew M. Benol; Matthew H. Dietz; Margaret L. Ferraro; Glenn A. Geissinger; Kenneth M. Kraft; Hayden Phillips; Robert F. Werner; Linda M. Zembo, Clerk to Council, Joshua D. Fulmer, Acting Solicitor to Council. Absent was John Cusick, President and Philip D. Lauer, Solicitor to Council.

Prayer

Mr. Vaughn led County Council in a moment of silence.

Pledge of Allegiance

Mr. Kraft led County Council in the pledge of allegiance.

Approval of the Minutes

Mr. Kraft made the following motion:

Be It Moved By the Northampton County Council that the minutes of the September 15, 2016 meeting shall be approved.

Mr. Werner seconded the motion.

The minutes were approved by voice acclamation.

Executive Session

Mr. Benol made a motion to enter into Executive Session to discuss legal issues.

Mr. Dietz seconded the motion.

Mr. Vaughn called for the vote.

The vote: Benol, "yes"; Dietz, "yes"; Geissinger, "yes"; Kraft, "no"; Phillips, "yes"; Vaughn, "yes"; Werner, "no" and Ferraro, "yes".
The motion passed by a vote of 6-2.

Mr. Fulmer stated County Council entered into Executive Session at 6:33 p.m. to discuss litigation and returned at 7:17 p.m.

Courtesy of the Floor

Mr. Jeff Fox, Pen Argyl, PA - provided a packet of documents pertaining to Congressional Districts (see Attachment #1). He advised districts were formed for political reasons and the composition of District 17 made it very difficult to campaign in and represent so he felt it kept a lot of people from running for elected offices. He further advised people talk about bi-partisanship and it was time to see how serious people really were about it.

Mr. Fox stated Senate Bill 484 (SB 484) and House Bill 1835 (HB 1835) would create an impartial, independent redistricting commission to redraw the Commonwealth's legislative and congressional districts. He further stated SB 484 was introduced by Senator Lisa Boscola and HB 1835 was introduced by Representative David Parker and both were co-sponsored by a number of their colleagues.

Mr. Fox advised he enclosed a sample resolution supporting these bills that a number of entities have adopted. He further advised Northampton County was being looked on as a leader nationwide for the bridge project, but it could also be looked on as a leader by supporting these bills and put redistricting back in the hands of the citizens of the Commonwealth.

Bernie O'Hare, Nazareth, PA - stated he agreed with Mr. Fox because right now the legislative leaders were picking their voters instead of the other way around and he hoped County Council would consider a resolution supporting SB 484 and HB 1835.

Mr. Kraft advised if Mrs. Ferraro wanted to introduce such a resolution he would support it and maybe the County Commissioners Association of Pennsylvania should get involved.

Mrs. Ferraro stated there was a lot of support from most of the Lehigh Valley legislators.
Mr. Geissinger advised one issue was the State districts and the way they carved the districts to protect themselves and the other was the gerrymandering of the Federal districts.

Controller's Report

Mr. Stephen Barron, Controller, stated he and Mr. Glenn Eckhart, Lehigh County Controller, decided to put together a conference for controllers and they currently had nine Counties and two cities that participate. He further stated they were looking to present more programs that may be of interest to members of County Councils/Commissioners and County Executives.

County Executive’s Report

Mr. John A. Brown, County Executive, advised he did not have a report.

Election Costs

Mr. Kraft stated he had asked for a report on what the elections were costing the County, however, the individual who was to prepare it had since left the County’s employ so he wondered if one was still going to be provided.

Ms. Catherine Allen, Acting Director of Administration, advised she did have some information from the last election that she could provide and would provide a more complete report after this election.

Northampton County and General Purpose Authority Bridge Rehabilitation Program: a) Consideration of the Resolution Approving the P3 Bridge Project Service Agreement Between the County of Northampton and the Northampton County General Purpose Authority; b) Introduction of an Ordinance of the County Council of Northampton County Approving the County Bridge Conveyance and Rehabilitation Program by Endorsing the P3 Bridge Project Service Agreement Between the County of Northampton and the Northampton County General Purpose Authority and by Approving the Conveyance of 33 County Bridges to the General Purpose Authority Pursuant to the P3 Agreement
Consideration of the Resolution Approving the P3 Bridge Project Service Agreement Between the County of Northampton and the Northampton County General Purpose Authority

Mrs. Ferraro and Mr. Phillips introduced the following resolution:

R. 96-2016

A RESOLUTION OF THE COUNTY COUNCIL OF NORTHAMPTON
COUNTY APPROVING THE P3 BRIDGE PROJECT SERVICE
AGREEMENT BETWEEN THE COUNTY OF NORTHAMPTON AND THE
NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY

WHEREAS, Northampton County (the County) owns approximately one hundred nineteen (119) bridges (115 are owned solely by Northampton County and 4 bridges are owned with Lehigh County) which are in various stages of disrepair and require repair, rehabilitation and/or replacement; and

WHEREAS, the County believes it has inadequate resources to properly rehabilitate, replace and repair the functionally obsolete bridge system owned by the County; and

WHEREAS, the County formed the General Purpose Authority (GPA) under and in accordance with the Pennsylvania Municipality Authorities Act, 53 Pa. C.S. §§5601, et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended (hereinafter the "Act"); and

WHEREAS, Act 88 of 2012, 74 Pa. C.S. §§9101-9124 (Act 88) is a statutory tool that enables the Commonwealth of Pennsylvania or its instrumentalities (such as the GPA) to enter into agreements with the private sector to participate in the delivery, maintenance and financing of transportation-related projects commonly referred to as "P3" projects; a P3 project is a contractual agreement between a "Public Entity" and a "Private Entity" which transfers the responsibility of a facility’s engineering, construction, operation and/or maintenance to the private sector for a defined period of time; and

WHEREAS, the County Executive and the County Council of Northampton County (the County Council) believe that the GPA is and can better, more efficiently and more economically replace and rehabilitate 33 of the 119 County bridges through a "P3" project as authorized by Act 88; and
WHEREAS, in connection with the foregoing, the County has agreed to participate in the P3 project and to enter into certain agreements to effectuate the foregoing and has previously adopted Ordinance No. 605-2016 approving the County P3 Project subject to, among other things, final review and preparation of documentation by both the GPA and the County; and

WHEREAS, the County and the GPA intend to enter into a Service Agreement, a copy of which Agreement (the Service Agreement) has been provided to County Council for its full and complete review; and

WHEREAS, County Council desires to approve the Service Agreement, subject to the provisions hereof.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

1. All "WHEREAS" clauses are incorporated herein as though the same were more fully set forth at length.

2. County Council hereby approves the Service Agreement, subject to the following:

   (i) County Council has found that the Service Agreement is an "intergovernmental agreement" for purposes of Article XIII of the Northampton County Administrative Code adopted by County Council on June 26, 1978 and effective as of July 28, 1978, as amended;

   (ii) Pursuant to Section 13.01(c) of Article XIII, if any provisions of Article XIII would prevent County Council from making any appropriation to fund any Annual Payment or any payment needed by NCGPA to pay Additional Compensation under the Service Agreement, as those terms are defined therein, the County Council may set aside those provisions of Article XIII for lawful good cause upon a duly enacted resolution of the County Council;

   (iii) County Council desires, by this Resolution, to set aside the provisions of Section 13.16(g)(1) of Article XIII such that they shall not be applicable, which read as follows:
“Every contract shall specifically state that it is contingent upon the availability of appropriated funds from which payment can be made.”

(iv) In the event that notwithstanding the foregoing provisions of Section 13.16(g)(1), a court having jurisdiction shall rule that this Agreement is not an "intergovernmental agreement" for purposes of Article XIII, County Council has acknowledged and agreed that County Council must have a rational basis for invoking the provisions of Article XIII and that the County must be so financially in extremis that it is unable to fund its budget and not solely this Service Agreement and in such event, then and only then, for the benefit of the public purse, County Council would expect to be able to invoke the provisions of Article XIII.

6. The provisions of this Resolution shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this Resolution. It is hereby declared as the intent of County Council that this Resolution would be amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

7. All other County Resolutions, or parts thereof, relating to the Service Agreement that were adopted prior to this Resolution and are in conflict with this Resolution are hereby repealed.

8. This Resolution shall become effective five (5) days after enactment.

Mr. Shawn Langen, Chair of the GPA, stated they endorsed the project and after a significant vetting process Kriger Construction Inc. (Kriger) was presented to and unanimously approved by the GPA Board. He further stated there were two firms that were very qualified on the technical side, but there was a $35-$40 million delta and they had a fiduciary responsibility to the County.

Mr. Phillips asked if Mr. Langen could talk about the extent of the Pennsylvania Department of Transportation’s (PennDOT) involvement in this process.
Mr. Langen advised PennDOT was brought in prior to receiving any proposals and walked them through the process they used for the State bridge projects. He further advised they offered technical and financial analysis assistance throughout the process, but were not involved in the selection.

In answer to Mr. Dietz’s question as to whether PennDOT approved Kriger, Mr. Langen stated they informed them that Kriger would be able to handle the project.

In response to Mr. Deitz’s question as to whether PennDOT would inspect the bridges, Mr. Langen advised they would, but through another Request for Proposal process they selected Alfred Benesch & Company (Benesch) as a third party engineer to watch over the entire process on behalf of the GPA.

In answer to Mr. Werner’s question as to whether they could ensure that the County would not be held accountable for overcharges, Mr. Langen replied he could not.

Mr. Brown stated according to the agreement Benesch would be the watchdog for the project and any requests from Kriger for additional funds above the contract terms would go through a vetting process and Benesch would be involved in that to evaluate the merits of any requests.

Mr. John Lushis, GPA Solicitor, advised one of the concerns they had were cost overruns and as the attorney responsible for drafting the agreement he took painstaking efforts to make sure it was as solid as possible to curtail overcharges. He further advised they had provided a draft of the agreement to the final three proposers and one of the reasons Kriger was selected was because they accepted the agreement with minor changes, but the second choice wanted to scrap the entire agreement.

In response to Mr. Dietz’s question as to whether the County was protected if the bridges failed, Mr. Lushis stated he looked at what other States had done with bridge constructions, specifically with regard to what types of warranties were required. He further stated there were no warranty provisions in PennDOT’s P3 agreements, but in this agreement they had specific warranty provisions, as well as provisions for payment, performance and maintenance bonds.

Mr. Kraft advised under the warranty it stated "each of the bridges shall have a rating of not less than seven (7) as determined in accordance with PennDOT’s rating scale for the
conditions of the bridges in the Commonwealth" and asked what that meant.

Mr. Stan Rugis, Director of Public Works, stated they wanted to make sure there was a provision in case they found some structural cracks they would not be pushed aside so before the final turnover they would have to meet PennDOT’s suitability.

Mr. Lushis advised everyone made extraordinary efforts to establish and maintain the integrity of the selection process. He further advised there was a technical, financial and final selection committee who had experts involved to provide guidance.

With regard to the issue of qualifications, Mr. Lushis stated while this was a project that PennDOT approved there was no PennDOT money involved; however, they had a vested interest in it because if it was successful it could be a precedent setting project for many other Counties in the Commonwealth. He further stated Kriger was known as a PennDOT approved private contractor and was fully qualified to do this project.

Mr. Geissinger advised a $35 million delta was mentioned so he wanted to know if they could break that down as to what the differential was both in the funding requirements and the actual construction.

Mr. Lushis stated the real difference was in the financing because the second choice bidder proposed the County issue Certificates of Participation which would have involved something akin to a bond issuance. He further stated this would not have affected the debt capacity for the County, but a bond issuance would include an underwriter and the certificates would have to be sold to the public through a full blown public offering perhaps through a private placement or a limited public offering.

Mr. Lushis advised Kriger was procuring conventional financing that was not really tied to the project and as a result they were able to offer the County a very low interest rate. He further advised because the Certificates of Participation would be sold in the public market the investors would have to be satisfied so instead of a low interest rate the investors would determine the rate of return they wanted on their money and there would be soft costs involved.
Mr. Langen stated the second bidder was also higher on the construction costs by approximately $10 million.

Mr. Geissinger advised the bottom line was the taxpayers were going to save $1 million on each bridge based on the differential in these bids.

Mr. Brown stated it was important for County Council to recognize this contract was for a ten year term and addressed 33 bridges, but 99 had to be repaired. He further stated in the way he originally proposed it to County Council was if this model was successful, in the fifth year County Council could potentially let another 33 bridges and by the time the first 33 bridges were paid for the County would be at the point of letting the last 33 bridges.

Mr. Brown advised they scoped and sized this project in such a way to attract a broader range of potential bidders than the rapid bridge program that PennDOT did that really excluded a number of able companies because it was too large to undertake.

In answer to Mr. Dietz’s question as to whether there was a possibility that Kriger would run out of financing in the middle of the project, Mr. Brown stated the finance team fully vetted that and within the agreement and contract there were construction surety bonds if something were to happen. He further stated the financial strength of the company was very dependent on whether the bonding agency would actually take that risk.

Mr. Kraft advised it stated on page 7 of the agreement, “Without limiting the foregoing, NCGPA shall be obligated to address in the first instance matters relating to the procurement of Governmental Approvals, Utility Relocations, traffic control, Contamination and the acquisition of Permanent Right of Way” so he wanted to know if the County was obligated to be the contractor to do this work.

Mr. Lushis stated the County may have to because no contractor would take on those responsibilities.

In response to Mr. Kraft’s question as to whether it was known if any of these bridges had utility issues, Mr. Rugis advised there might be a few, but this was something they experienced with the bridges they were currently repairing.

In answer to Mr. Kraft’s question as to whether Kriger was
obtaining a bond for each bridge, Mr. Lushis replied it was for the whole project.

Mr. Brown stated Kriger was self-financing this project and had a revolving line of credit with various financial institutions. He further stated the finance team in vetting this indicated Kriger was financially stable and could deliver on this project.

In response to Mr. Benol's question as to whether this was a PennDOT project, Mr. Brown advised it was not; however, a proposal was presented to PennDOT's P3 Board who approved the concept of Northampton County undertaking a bridge bundling program. He further advised even though PennDOT was not involved in the project the standards they built their bridges to were included in the contracts because after the bridges were completed they were going to be inspected by PennDOT.

As there were no further questions or comments, Mr. Vaughn called for the vote.

The vote: Ferraro, "yes"; Phillips, "yes"; Dietz, "yes"; Geissinger, "yes"; Kraft, "abstain"; Vaughn, "yes"; Werner, "yes" and Benol, "yes".

The resolution was adopted by a vote of 7-0-1 abstention.

Introduction of an Ordinance of the County Council of Northampton County Approving the County Bridge Conveyance and Rehabilitation Program by Endorsing the P3 Bridge Project Service Agreement Between the County of Northampton and the Northampton County General Purpose Authority and by Approving the Conveyance of 33 County Bridges to the General Purpose Authority Pursuant to the P3 Agreement

Mr. Vaughn stated the following ordinance was introduced by Mrs. Ferraro and Mr. Werner. He further stated the public hearing, debate and possible vote will be held at the October 20, 2016 meeting.

AN ORDINANCE OF THE COUNTY COUNCIL OF NORTHAMPTON COUNTY APPROVING THE COUNTY BRIDGE CONVEYANCE AND REHABILITATION PROGRAM BY ENDORSING THE P3 BRIDGE PROJECT SERVICE AGREEMENT BETWEEN THE COUNTY OF NORTHAMPTON AND THE NORTHAMPTON COUNTY GENERAL PURPOSE AUTHORITY AND BY APPROVING THE CONVEYANCE OF 33 COUNTY
BRIDGES TO THE GENERAL PURPOSE AUTHORITY PURSUANT TO THE P3 AGREEMENT

WHEREAS, Northampton County owns approximately one hundred nineteen (119) bridges (115 are owned solely by Northampton County and 4 bridges are owned with Lehigh County); and

WHEREAS, in 2012 the County commissioned the engineering firm of Barton-Lawson to prepare a formal Conditions Report outlining the status and condition of the bridges located in Northampton County; and

WHEREAS, Barton-Lawson completed that Report and submitted the same to the Northampton County Department of Public Works in May of 2013; and

WHEREAS, the Barton-Lawson Report concluded the following:

- The average age of the bridges owned by Northampton County is over 61 years, some are over 100 years old.

- The average sufficiency rating for the bridges owned by Northampton County is 70.

- Twenty-two (22) of the bridges were determined to be functionally obsolete.

- 27 of the bridges were determined to be structurally deficient.

- 37 of the bridges are load posted and weight restricted.

- 3 of the bridges are completely closed to traffic; and

WHEREAS, the County budgets approximately $780,000.00 a year for the maintenance of bridges; and

WHEREAS, the County issued a Bond in 2013 in the amount of $7.1 million for the rehabilitation of only nine (9) of the County’s bridges; and

WHEREAS, it has been determined by the County that the County’s Department of Public Works has limited manpower, insufficient funds and limited expertise to manage the County’s bridge maintenance and rehabilitation program; and
WHEREAS, the duration for a typical bridge rehabilitation project runs from 4 to 6 years and typically costs between $1 and $2.5 million per bridge; and

WHEREAS, the County believes it has inadequate resources to properly rehabilitate, replace and repair the functionally obsolete bridge system owned by the County; and

WHEREAS, the County formed the General Purpose Authority (GPA) under and in accordance with the Pennsylvania Municipality Authorities Act, 53 Pa. C.S. §§5601, et seq., Act 22 of 2001, effective June 19, 2001 which codifies and amends the Municipality Authorities Act of 1945, as amended (hereinafter the Act); and

WHEREAS, the Act provides in relevant part as follows:

(i) §5607(a) Every authority incorporated shall be for the purpose of acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee various types of projects including transportation, bridges, highways and parkways and all facilities necessary or incident thereto; and

(ii) §5607(b) Every authority may exercise all powers necessary or convenient for the carrying out for the purposes set forth in the Act including (1) to acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority....; and

WHEREAS, the GPA, in accordance with the Act, is an instrumentality of the Commonwealth of Pennsylvania; and

WHEREAS, Act 88 of 2012, 74 Pa. C.S. §§9101-9124 (Act 88) is a statutory tool that enables the Commonwealth of Pennsylvania or its instrumentalities (such as the GPA) to enter into agreements with the private sector to participate in the delivery, maintenance and financing of transportation-related projects commonly referred to as “P3” projects; a P3 project is a contractual agreement between a “Public Entity” and a “Private Entity” which transfers the responsibility of a facility’s engineering, construction, operation and/or maintenance to the private sector for a defined period of time; and
WHEREAS, Act 88 specifically defines a “Public Entity” as a municipal authority, such as the GPA; and

WHEREAS, Act 88 requires that a Public Entity such as the GPA, when undertaking a P3 rehabilitation project, solicit Requests for Proposals (RFP); and

WHEREAS, prior to developing, designing, constructing, financing or operating and maintaining a P3 project, the Private Entity selected must enter into a Public Private Transportation Partnership Agreement with the Public Entity; and

WHEREAS, Act 88 further provides that a “Public Private Transportation Partnership Agreement” is a contract for a P3 project that transfers the rights for the use or control, in whole or in part, of a transportation facility by the Public Entity to the Private Entity for a definite term during which the Private Entity will provide the P3 project; and

WHEREAS, Act 88 in defining a “Transportation Facility” includes existing roads, bridges or overpasses and also includes any improvements of substantial enhancements or modifications to an existing transportation facility; and

WHEREAS, a municipal entity such as the GPA must own a transportation facility, such as bridges, in order to effectuate a P3 project under Act 88; and

WHEREAS, the County Executive and the County Council of Northampton County (the County Council) believe that the GPA is and can better, more efficiently and more economically replace and rehabilitate 33 of the 119 County bridges through a “P3” project as authorized by Act 88; and

WHEREAS, in order to effectuate the GPA’s ability to undertake a P3 project in accordance with Act 88, it must own in fee title to the Transportation Facility, in this case the 33 County bridges; and

WHEREAS, the County Executive has the authority to execute and cause to be executed on behalf of the County all Deeds and contracts for the purchase, sale or lease of real property in accordance with §13.15 of the Northampton County Administrative Code, as amended (the Administrative Code); and
WHEREAS, County Council must approve, by Ordinance, the purchase, sale or lease of real property owned by the County in accordance with §13.5 of the Administrative Code; and

WHEREAS, both the County Executive and the County Council believe that it is in the best interest of the citizens of the County in order to protect their health, safety and welfare for the County to convey title of 33 of the 119 County bridges, as identified in Exhibit "A", attached hereto and made a part hereof, to the GPA; and

WHEREAS, the GPA wishes to accept title to the 33 bridges as identified in Exhibit "A"; and

WHEREAS, in order to facilitate the County bridge enhancement project (the County P3 Project) as authorized by the Act and Act 88; and

WHEREAS, the County Council previously adopted Ordinance No. 605-2016 (the First Ordinance) approving the County P3 Project subject to, among other things, final review and preparation of documentation by both the GPA and the County; and

WHEREAS, that documentation (which included, but was not limited to, RFP, a P3 Contract and a Service Agreement between the County and the GPA) has been prepared and provided to County Council for its review; and

WHEREAS, on or about April 7, 2016, the GPA has published a RFP for the replacement, rehabilitation and maintenance associated with the 33 County bridges; and

WHEREAS, the GPA has prepared a Public-Private Partnership Agreement (PPA) by and between the GPA and Kriger Construction, Inc. (the Developer) pursuant to which the Developer will replace, rehabilitate and maintain the 33 County bridges. A copy of the PPA has been previously provided to County Council for its review; and

WHEREAS, the GPA has prepared a Project Administration Agreement by and between the GPA and a Third Party Engineer, Alfred Benesch & Company (the Third Party Engineer), pursuant to which such Third Party Engineer will provide oversight of the Project and administer the PPA. A copy of the Project Administration Agreement has been previously provided to County Council for its review; and
WHEREAS, the GPA has also prepared a License Agreement which will allow the Developer to access the 33 bridges to perform the replacement, rehabilitation and maintenance thereof; and

WHEREAS, the County and the GPA intend to enter into a Service Agreement, a copy of which Agreement (the Service Agreement) has been provided to County Council for its full and complete review;

WHEREAS, by Resolution adopted by County Council at its meeting on October 6, 2016 (the Resolution), County Council approved the Service Agreement; and

WHEREAS, the County of Northampton has prepared Quit Claim Deeds for the 33 bridges associated with the County P3 Project; and

WHEREAS, the County Council wishes to enact this Ordinance to effect further the implementation of the County P3 Project and in recognition, in particular, of the mutual desire of the GPA and the Developer to have this Ordinance enacted prior to their entry into the PPA.

NOW, THEREFORE, County Council hereby enacts and ordains and does hereby enact and ordain the following:

1. **Incorporation of Recitals.** All "Whereas" clauses are incorporated herein as though the same were more fully set forth at length.

2. **Authorization of Conveyance.** County Council hereby confirms and affirms its approval by the Resolution of the Service Agreement and authorizes (a) the conveyance of title to the 33 bridges, as identified in Exhibit "A" attached hereto and made a part hereof, to the GPA in accordance with the strict limitations, conditions and provisions further set forth in this Ordinance and (b) the payments by the County to the GPA as set forth in Exhibits E and F to the Service Agreement.

3. **Prior Ordinance.** By Ordinance No. 605-2016, effective April 3, 2016, County Council approved the P3 Project subject to the following conditions precedent:

   (a) The conveyance of each bridge set forth herein in Exhibit "A" shall be pursuant to a subsequent Ordinance of County Council.
(b) As a condition precedent to the conveyance of the 33 bridges from the County to the GPA, the County and the GPA will enter into the Service Agreement. The Service Agreement will provide that, in consideration for the GPA’s acquisition of the bridges and the GPA’s agreement to procure a Private Entity to replace, repair and maintain the 33 bridges for a specified period of time, for example 10 years, the County will pay the GPA a yearly service fee.

(c) The GPA will issue a RFP developed in cooperation with a committee appointed by the GPA, seeking Private Entities to submit proposals for participation in the P3 GPA project.

(d) A review of the RFP proposals received, and the selection of a Private Entity will be made, initially, by a Committee appointed by the GPA and then ultimately by the GPA Board.

(e) The RFP prepared by the GPA will include a draft of the proposed Public Private Partnership Transportation Agreement as required by Act 88.

(f) In accordance with a PPA, the GPA will pay the Developer remuneration for the services provided under the PPA.

(g) At the expiration of the PPA, the GPA may consult with appropriate County officials and determine whether or not it wishes to convey title to the bridges back to the County in fee or whether it would be more appropriate for the County to continue and extend the Service Agreement between the County and the GPA in order to allow the GPA to further service and maintain the 33 bridges.
4. Confirmation of Approval. County Council finds that all of the conditions precedent set forth in Paragraph 3(a)-(g) have been fully satisfied and, as such, the County Council now formally confirms and affirms its prior approval by the Resolution of the Service Agreement which is being entered into between the GPA and the County, including, without limitation, the obligation of the County to make payments thereunder to the GPA (the Service Agreement Payments), as well as the Quit Claim Deeds which transfer title to the 33 bridges identified in Exhibit "A" from the County to the GPA.

5. Service Agreement Payments. County Council recognizes that in the event it were to invoke the provisions of Article XIII of the Administrative Code (Article XIII) in order to refrain from making any appropriation to fund any Service Agreement Payment, severe economic consequences could result to the County and the GPA. Accordingly, County Council hereby finds that the Service Agreement is an "intergovernmental agreement" for purposes of Article XIII and, in the event the provisions of Article XIII would otherwise prevent County Council from making any appropriation to fund any Service Agreement Payment, the provisions of Article XIII shall be set aside and shall not be applicable. In the event that notwithstanding the foregoing, a court having jurisdiction shall rule that the Service Agreement is not an "intergovernmental agreement" for purposes of Article XIII, County Council acknowledges and agrees that County Council must have a rational basis for invoking the provisions of Article XIII and that the County must be so financially in extremis that it is unable to fund its budget and not solely the Service Agreement. In such event, then and only then, for the benefit of the public purse, County Council would expect to be able to invoke the provisions of Article XIII.

6. Severability. The provisions of the Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this ordinance would be amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

7. Repealer. All other County Ordinances, or parts thereof, that were adopted prior to this ordinance and are in conflict with this ordinance are hereby repealed.
8. **Effective Date.** This Ordinance shall become effective five (5) days after enactment.

**Monroe County Local Share Account Project Application Approval Resolution**

Mrs. Ferraro introduced the following resolution:

**WHEREAS,** the Pennsylvania Race Horse Development and Gaming Act (Act 2004-71) as amended, has established the Pennsylvania Gaming Local Share Account (Local Share Account) under the Commonwealth Financing Authority (CFA) for the purpose of distributing 2% of gross terminal revenues of certain licensed gaming facilities in orderly and timely fashion to support and enhance community and economic well-being and mitigate the impact of gaming and related activities; and

**WHEREAS,** the Commonwealth of Pennsylvania through the CFA provides counties contiguous to Monroe County the opportunity to apply for eligible public interest projects, community improvement projects, economic development projects and reasonable administrative fees; and

**WHEREAS,** the County of Northampton desires to submit an application to the CFA for an economic development project to develop an industrial park off of Route 33 in the vicinity of Male Road in Wind Gap Borough, Plainfield and Bushkill Townships.

**NOW, THEREFORE, BE IT RESOLVED** by the Northampton County Council that:

1. The proposed project to be funded by a grant from the Monroe County Local Share Account program through the CFA is hereby eligible and approved.

2. The County Executive is authorized and directed to execute a Local Share Account application in the amount of $400,000 to the Pennsylvania Department of Community and Economic Development on behalf of the CFA.

3. The project includes the installation of infrastructure for the development of an industrial park off of Route 33 in the vicinity of Male Road, Wind Gap Borough, Plainfield and Bushkill Townships.
As there were no questions or comments, Mr. Vaughn called for the vote.

The vote: Ferraro, "yes"; Geissinger, "yes"; Kraft, "yes"; Phillips, "yes"; Vaughn, "yes"; Werner, "yes"; Benol, "yes" and Dietz, "yes".

The resolution was adopted by a vote of 8-0.

Economic Development Committee Report

Mrs. Ferraro advised a tour was taken of the PBS facility, the Levitt Pavilion and ArtsQuest and she wanted to thank Mr. David Guerrero, Chief Operating Officer, and his staff at PBS 39 for their assistance in allowing the Economic Development Committee meeting and County Council meeting to be held in their studio, as well as Mr. Tony Hanna, Executive Director of the City of Bethlehem Redevelopment Authority.

Mrs. Ferraro stated the committee received an overview of Tax Increment Financing, a presentation on ArtsQuest, a review of the Monroe County Local Share Account project and an update on the Department of Community and Economic Development.

Capital Projects and Operations Committee Report

Mr. Phillips stated a Capital Projects and Operations Committee meeting would be held on October 13, 2016.

Lehigh-Northampton Airport Authority Liaison Report

Mr. Geissinger advised the next Executive Meeting was going to be held at Braden Airpark.

Lehigh Valley Economic Development Corporation Liaison Report

Mr. Vaughn stated manufacturing was the Lehigh Valley’s top sector. He further stated the Lehigh Valley ranked 49th out of 382 regions surveyed and its Gross Domestic Project reached a record high of $36.97 billion.
Adjournment

Mr. Geissinger made a motion to adjourn the meeting.

Mr. Dietz seconded the motion.

The motion to adjourn passed unanimously by acclamation.

______________________________________________
Linda M. Zembo
Clerk to Council
Congressional Districts

(15) THE FIFTEENTH DISTRICT IS COMPOSED OF PART OF BERKS COUNTY CONSISTING OF THE TOWNSHIPS OF ALBANY, BETHEL, CENTRE GREENWICH, HEREFORD DISTRICT 01, JEFFERSON, LONGSWAMP, MAXATAWNY, PERRY, TILDEN, TULPEHOCKEN, UPPER BERN, UPPER TULPEHOCKEN AND WINDSOR AND THE BOROUGHS OF CENTERPORT, HAMBURG, KUTZTOWN, LENHARTSVILLE, LYNX, SHOEMAKER'SVILLE, STRAUSTOWN AND TOPTON; PART OF DAUPHIN COUNTY CONSISTING OF THE TOWNSHIPS OF CONEWAGO, DERRY, EAST HANOVER, LONDONDERRY, SOUTH HANOVER AND WEST HANOVER DISTRICTS 02, 03 AND 04 AND THE BOROUGHS OF HUMMELSTOWN, MIDDLETOWN AND ROYALTON; PART OF LEHIGH COUNTY CONSISTING OF THE CITY OF LEHAN WARDS 03 AND 06 AND THE TOWNSHIPS OF ANNIN, BETHEL, EAST HANOVER, NORTH ANNIN, NORTH CORNWALL, NORTH LEHAN DISTRICTS EAST ALL BLOCKS EXCEPT 2039 OF TRACT 002/702, MIDDLE AND WEST. NORTH LONDONDERRY, SOUTH ANNIN, SOUTH LONDONDERRY, SUTARA, UNION AND WEST LEHAN AND THE BOROUGHS OF CLEONA, JONESTOWN, MOUNT GRETNA AND PALMYRA; ALL OF LEHIGH COUNTY AND PART OF NORTHAMPTON COUNTY CONSISTING OF THE CITY OF BETHLEHEM (NORTHAMPTON COUNTY PORTION) WARDS 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 AND, 15, 16, 17, BLOCKS 1025, 1026, 1027, 1028, 1029, 1030, 1031 2039 OF TRACT 002/300 AND THE TOWNSHIPS OF ALLEN, BUSHKIL, EAST ALLEN, EASTON, HANOVER, LEHIGH, LOWER NAZARETH, LOWER SAUCON, MOORE, PLAINFIELD, SCHOONER, BETHLEHEM, KESSLER'SVILLE AND PLAINFIELD, CHURCH, UPPER NAZARETH DISTRICTS WEST AND WILLIAMS AND THE BOROUGHS OF GATY, CHAPEL, WELLOUTOWN, NORTH CATASAVIQUA, NORTH HAMPTON AND WATSONSHIRT.

(17) THE SEVENTEENTH DISTRICT IS COMPOSED OF PART OF CARBON COUNTY CONSISTING OF THE TOWNSHIPS OF EAST PENN, FRANKLIN, LOWER TOWAMENSING, MAHONING AND TOWAMENSING AND THE BOROUGHS OF BOWMANSTOWN, JIM THORPE, LANSFORD, LEHIGH, NESCOELEONING, PALMERTON, PARRYVILLE, SUMMIT HILL AND WEISSPORT; PART OF LACKAWANNA COUNTY CONSISTING OF THE CITIES OF CARBONDALE AND SCRANTON AND THE TOWNSHIPS OF CARBONDALE DISTRICT NORTHWEST, SPRING BROOK AND THORNHURST AND THE BOROUGHS OF ARCHBOLD WARDS 01 AND 04, BLAKELY, DICKSON CITY, DUNMORE, JERMYN, JESSUP, MAYFIELD, MOOSIC, OLD FORGE, OLYPHANT WARDS 01, 02 AND 03 (DIVISIONS 01 AND 02 ONLY BLOCK 1025 OF TRACT 111400), TAYLOR AND TROOP WARDS 01, 02 AND 03; PART OF LUZERNE COUNTY CONSISTING OF THE CITIES OF PITTSON AND WILKES-BARRE AND THE TOWNSHIPS OF JENKINS, PITTSON PLAINS AND WILKES-BARRE AND THE BOROUGHS OF AVoca, DUPONT, DURYEA, EXETER, HUGHSTOWN, LAFLIN, WEST PITTSON, WEST WYOMING, WESTON AND YATESVILLE; PART OF MONROE COUNTY CONSISTING OF THE TOWNSHIPS OF CHESTNUTHILL, COOLBAUGH, ELDRED, HAMILTON, MIDDLE SMITHFIELD, POLOK ROSS, SMITHFIELD, STROUD DISTRICT 01. 05, 06 AND 07, TOBYHANNA AND TUNKHANNOCK AND THE BOROUGH OF DELAWARE WATER GAP; PART OF NORTHAMPTON COUNTY CONSISTING OF THE CITIES OF BETHLEHEM (NORTHAMPTON COUNTY PORTION) WARD 17 ALL EXCEPT BLOCKS 1026, 1123, 1124 AND 2039 OF TRACT 001/300 AND EASTON AND THE TOWNSHIPS OF BETHLEHEM FORKS, LOWER MOUNT BETHEL, PALMER, PLAINFIELD DISTRICT DELAWARE, UPPER MOUNT BETHEL UPPER NAZARETH DISTRICT EAST AND WASHINGTON AND THE BOROUGHS OF BANGOR, EAST BANGOR, FREEMANSBURG, GLENORD, NAZARETH, PENAROLD, PORTLAND, ROSETO, STOCIERTOWN, TATAMY, WEST EASTON, WILSON AND WIND GAP AND ALL OF SCHUYLKILL COUNTY.
FAIR DISTRICTS PA

Support Legislation to Ensure Fair Districts and Fair Elections for Every Pennsylvania Voter

Senate Bill 484 and House Bill 1835
Senate Bill 484 and House Bill 1835 are proposed bipartisan amendments to the Pennsylvania constitution that would create an impartial, independent redistricting commission. By removing conflict of interest in drawing electoral districts, SB 484 and HB 1835 will ensure transparency, public input, partisan balance, minority participation, and provide clear standards for evaluating final maps. Commission members would be randomly selected from qualified registered Democrats, Republicans and independent voters. Membership would reflect the Commonwealth’s racial, gender and geographical diversity.

Why Support SB 484 and HB 1835
Faith in government will be enhanced through new electoral districts designed by an impartial citizen commission. This legislation responds to a growing chorus of concerns:

- Pennsylvania is regularly cited as one of the most gerrymandered states in America.
- Seven in ten voters say fair elections are a priority for reform.
- When partisan elected officials manipulate district lines, citizens feel their votes don’t count and lose confidence in the political process.
- Fairly drawn districts will reduce the potential for costly and disruptive legal challenges.
- Fairly drawn districts will minimize the distance of citizens from their representatives.
- Increased voter satisfaction will encourage public involvement and restore trust in the democratic process.

Current Support for SB 484 and HB 1835
This legislation is endorsed by Fair Districts PA, a coalition with leadership from Common Cause PA, the League of Woman Voters of Pennsylvania, the Pennsylvania Council of Churches, the Committee of Seventy, Pennsylvanians for Fair Elections and the Black Political Empowerment Project, as well as a growing list of statewide and regional organizations.

SB 484 was introduced by Senator Lisa Boscola (D) with cosponsors Daylin Leach (D), Rob Teplitz (D), Anthony Williams (D), Wayne Fontana (D), John Yudichak (D), John P. Blake (D), Andy Dinniman (D), John Wozniak (D), Sean Wiley (D), Patrick Brown (R), and John Eichelberger (R).

HB 1835 was introduced by David Parker (R), with cosponsors Thomas Murt (R), Kathy Watson (R), Mark Gillen (R), Russ Diamond (R), David Zimmerman (R), Stan Saylor (R), Sheryl Delozier (R), Harold English (R), Donna Bullock (R), John McGinnis (R), Steve Santarsiero (D), Ted Harhai (D), Matthew Bradford (D), Mark Rozzi (D), Mary Jo Daley (D), Michael O’Brien (D), and Pam DeLissio (D).

Timeline
Proposed amendments to the Commonwealth’s constitution must be passed in identical form in two separate sessions of the General Assembly and then be approved by the voters. In order to be ready for 2021 redistricting, one of these bills must be passed in the current 2015-16 session and again in 2017-18.

226 Forster St, Harrisburg, PA 17102 | info@FairDistrictsPA.com | 717.232.9951
SUMMARY OF ENDORSED LEGISLATION:
COMPANION BILLS SB 484 AND HB 1835

Fair Districts PA has endorsed companion bills Senate Bill 484 and House Bill 1835 to reform Pennsylvania’s partisan redistricting process. SB 484 is sponsored by Sen. Lisa Boscola, a Democrat representing Lehigh and Northampton Counties. HB 1835 is sponsored by Rep. David Parker, a Republican representing Monroe County. Both bills have a bipartisan list of sponsors.

SB 484 and HB 1835 are proposed amendments to the state constitution. They would turn the process of redrawing the Commonwealth’s legislative and congressional districts over to an impartial and independent redistricting commission composed of a politically diverse group of qualified members of the voting public chosen to assure fairness of the process. Commission members would be independent of elected officials and career politicians. No elected officials, candidates, government employees, political party officials, or their aides or members of their immediate families would be eligible to serve – nor would anyone who has recently served in such a capacity. Commission members would be barred from serving in any of these capacities in the immediate future. The commission would have “final authority,” meaning its adopted maps would not be subject to approval by the General Assembly or the governor. Citizens aggrieved by a final plan could appeal it directly to the Pennsylvania Supreme Court.

Commission members would be randomly selected from lists composed of three separate groups of qualified applicants – registered Democrats, registered Republicans, and registered voters affiliated with neither major political party in a way that ensures balanced membership from each group and membership that reflects the state’s racial, gender and geographical diversity. Votes to adopt a final plan would include at least one member from each group.

The commission would adhere to a strict timetable for completing its work and its decision making process would be transparent and provide meaningful opportunity for public input prior to drawing plans and again before adopting final plans. All information used in creating plans would be available on a publicly accessible website. The General Assembly would be required to appropriate sufficient funds for the commission to carry out its work.

Both bills prohibit districts from being drawn for the purpose of favoring or discriminating against any political party or person and would require plans to adhere to strict anti-gerrymandering standards including population equality, compactness, contiguity and keeping political subdivisions intact. Plans would also be required to adhere to applicable federal and Pennsylvania law.

Proposed amendments to the constitution must be passed in identical form in two separate sessions of the General Assembly and then be approved by the voters. To be ready for the 2023 round of redistricting, one of these bills would need to be passed in the current 2021-22 session and again in 2023-24.

SB 484 and HB 1835 have been referred to the Senate and House State Government Committees respectively. A majority of the members of at least one of these committees must vote to report the bill out of committee so all the members of the General Assembly can vote to approve it. Contact information for committee members can be found here and here.

Fair Districts PA has voted to endorse companion bills SB 484 and HB 1835 because they remove the conflict of interest that exists when legislators are responsible for drawing electoral lines, they ensure transparency, public input, partisan balance and minority participation, and they provide clear standards for evaluating final maps.

JOIN US IN SUPPORT OF SENATE BILL 484 AND HOUSE BILL 1835.
SIGN OUR PETITION ASKING PA LEGISLATORS TO ENACT THESE BILLS NOW.
SIGN OUR PETITION
A RESOLUTION IN SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE REDISTRICTING AND CONGRESSIONAL REAPPORTIONMENT

WHEREAS, the citizens of this (district/county/city/twp.), and the Commonwealth of Pennsylvania, deserve a fair, fully transparent, impartial and depoliticized process of the decennial drawing of state legislature and congressional districts of near equal population; and

WHEREAS, legislative redistricting and congressional reapportionment has often resulted in the gerrymandering of districts to favor one political party or the other; and

WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy by impeding action on critical issues of importance to the people; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of the political motivation or partisanship will help to ensure a fair and accurate legislative redistricting and congressional reapportionment process that respects political subdivisions and communities of interest, will prohibit districts from being drawn to favor or discriminate against a political party or candidate, will promote transparency, the use of impartial and sound methodology when setting district boundaries, and allow for public input, and will fully comply with the constitutional requirement that "no county, city, incorporated town, borough, township or ward" be divided "unless absolutely necessary," and

WHEREAS, recent legislation has been introduced in the current legislative session to amend the Pennsylvania Constitution to reform the decennial redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion.

NOW, THEREFORE, BE IT RESOLVED that this Board of Commissioners does hereby support legislative efforts to secure expeditious action of a constitutional amendment that would, among other reforms, assign the decennial task of both legislative redistricting and congressional reapportionment to an independent citizens redistricting commission; and

BE IT FURTHER RESOLVED that a copy of this resolution to all Members of the Pennsylvania Senate and House of Representatives.
RESOLUTION No. 2016 - 12

A RESOLUTION IN SUPPORT OF A CITIZENS COMMISSION
FOR LEGISLATIVE REDISTRICTING AND CONGRESSIONAL REAPPORTIONMENT

WHEREAS, the citizens of Cumberland County, and the Commonwealth of Pennsylvania, deserve a fair, fully transparent, impartial and depoliticized process for the decennial drawing of state legislative and congressional districts of near equal population; and

WHEREAS, legislative redistricting and congressional reapportionment has often resulted in the gerrymandering of districts to favor one political party or the other; and

WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy by impeding action on critical issues of importance to the people; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of political motivation or partisanship will help to ensure a fair and accurate legislative redistricting and congressional reapportionment process that respects political subdivisions and communities of interest, will prohibit districts from being drawn to favor or discriminate against a political party or candidate, will promote transparency, the use of impartial and sound methodology when setting district boundaries, and allow for public input, and will fully comply with the constitutional requirement that “no county, city, incorporated town, borough, township or ward” be divided “unless absolutely necessary;” and

WHEREAS, recent legislation has been introduced in the current legislative session to amend the Pennsylvania Constitution to reform the decennial redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby support legislative efforts to secure expeditious action of a constitutional amendment that would, among other reforms, assign the decennial task of both legislative redistricting and congressional reapportionment to an independent citizens redistricting commission; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to all Members of the Pennsylvania Senate and House of Representatives.

ADOPTED THIS 11th DAY OF APRIL, 2016

ATTEST:  
Lawrence Thomas, Chief Clerk  

BOARD OF COMMISSIONERS:  
Vincent T. DiFilippo, Chairman  
Jim Hertzer, Vice-Chairman  
Gary Eichelberger, Secretary
MEMORANDUM

Posted: January 8, 2015 04:32 PM
From: Senator Lisa M. Boccola
To: All Senate members
Subject: Legislative and Congressional Redistricting Process (Citizen's Commission)

In the near future, I intend to introduce a joint resolution that seeks to amend our state’s Constitution by reforming the way legislative and congressional districts are drawn, and I invite you to join me as a co-sponsor.

This legislation calls for the establishment of a Citizen’s Redistricting Commission to achieve true independence in our redistricting process. The Commission shall consist of registered Pennsylvania voters that do not presently hold public office or are employed by a public official. The panel will be comprised of 5 registered Democrats, 5 registered Republicans, and 4 with other party affiliation.

The current system allows lawmakers to have a hand in drawing their own districts, an outright conflict of interest that gives an advantage to an incumbent legislator or political party. Districts need to be drawn in a responsible manner, not under political or party influence.

The legislation will require the final version of the Commission’s map to be approved by the voters. This proposal is similar to the redistricting model that is currently used in the state of California. It aims to produce a redistricting process that is independent from legislative or political influence.

Introduced as SR484
A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for the Legislative
3 Reapportionment Commission for the purpose of reapportioning
4 and redistricting the Commonwealth of Pennsylvania.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:

7 Section 1. The following amendment to the Constitution of
8 Pennsylvania is proposed in accordance with Article XI:
9 That section 17 of Article II be amended to read:

10 § 17. Legislative [Reapportionment] and Congressional
11 Redistricting Commission.
12 (a) [In each year following the year of the Federal
13 decennial census] Not later than December 31 of each year ending
14 in zero, a Legislative [Reapportionment] and Congressional
15 Redistricting Commission shall be constituted for the purpose of
16 reapportioning the Commonwealth. The commission shall [act by a
17 majority of its entire membership.];
18 (1) Conduct an open and transparent process enabling full
public consideration of and comment on the drawing of district
lines.

(2) Draw district lines according to the redistricting
criteria specified in this article.

(3) Conduct itself with integrity and fairness.

((b) The commission shall consist of five members: four of
whom shall be the majority and minority leaders of both the
Senate and the House of Representatives, or deputies appointed
by each of them, and a chairman selected as hereinafter
provided. No later than 60 days following the official reporting
of the Federal census as required by Federal law, the four
members shall be certified by the President pro tempore of the
Senate and the Speaker of the House of Representatives to the
elections officer of the Commonwealth who under law shall have
supervision over elections.

The four members within 45 days after their certification
shall select the fifth member, who shall serve as chairman of
the commission, and shall immediately certify his name to such
elections officer. The Chairman shall be a citizen of the
Commonwealth other than a local, State or Federal official
holding an office to which compensation is attached.

If the four members fail to select the fifth member within
the time prescribed, a majority of the entire membership of the
Supreme Court within 30 days thereafter shall appoint the
chairman as aforesaid and certify his appointment to such
elections officer.

Any vacancy in the commission shall be filled within 15 days
in the same manner in which such position was originally filled.

(c) No later than 90 days after either the commission has
been duly certified or the population data for the Commonwealth
as determined by the Federal census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer. The commission shall have 30 days after filing the preliminary plan to make corrections in the plan. Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law. (d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order. (e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17. (f) Any district which does not include the residence from which a member of the Senate was elected whether or not scheduled for election at the next general election shall elect a Senator at such election. (g) The General Assembly shall appropriate sufficient funds
for the compensation and expenses of members and staff appointed
by the commission, and other necessary expenses. The members of
the commission shall be entitled to such compensation for their
services as the General Assembly from time to time shall
determine, but no part thereof shall be paid until a preliminary
plan is filed. If a preliminary plan is filed but the commission
fails to file a revised or final plan within the time
prescribed, the commission members shall forfeit all right to
compensation not paid.

(h) If a preliminary, revised or final reapportionment plan
is not filed by the commission within the time prescribed by
this section, unless the time be extended by the Supreme Court
for cause shown, the Supreme Court shall immediately proceed on
its own motion to reapportion the Commonwealth.

(i) Any reapportionment plan filed by the commission, or
ordered or prepared by the Supreme Court upon the failure of the
commission to act, shall be published by the elections officer
once in at least one newspaper of general circulation in each
senatorial and representative district. The publication shall
contain a map of the Commonwealth showing the complete
reapportionment of the General Assembly by districts, and a map
showing the reapportionment districts in the area normally
served by the newspaper in which the publication is made. The
publication shall also state the population of the senatorial-
and representative districts having the smallest and largest
population and the percentage variation of such districts from
the average population for senatorial and representative
districts.)

(b) The commission shall consist of 11 members, as follows:
four who are registered with the largest political party in this
Commonwealth based on registration, four who are registered with
the second-largest political party in this Commonwealth based on
registration and three who are not registered with either of the
two largest political parties in this Commonwealth based on
registration.

c) Each commission member shall possess all of the
following qualifications:

(1) Be a voter who has been continuously registered in this
Commonwealth with the same political party or unaffiliated with
a political party or political body and whose political
affiliation has not changed in the previous three years
immediately preceding the date of appointment to the commission.

(2) Has voted in two of the last three Statewide general
elections immediately preceding the date of appointment to the
commission.

(3) Has not held, nor has a spouse who has held, elective
public office at the Federal, State or political subdivision
level in this Commonwealth in the previous five years
immediately preceding the date of appointment to the commission.

(4) Has not served as a paid staff member or paid consultant
to Congress, the General Assembly, the Commonwealth or any
political subdivision in this Commonwealth in the previous five
years immediately preceding the date of appointment to the
commission.

(5) Has not registered as a Federal, State or local lobbyist
in this Commonwealth in the previous five years immediately
preceding the date of appointment to the commission.

(6) Has not held office or served as a paid staff member for
a political party or political body in the previous five years
immediately preceding the date of appointment to the commission.
(7) Has not been nominated as a candidate for elective
office by a political party or political body or served as a
paid staff member or officer of a political party, political
body, political committee or political action committee in the
previous five years immediately preceding the date of
appointment to the commission.

(d) Application and selection of the members of the
commission shall be subject to the following:

(1) Application to serve as a member of the commission may
be filed with, and on a form developed by, the Secretary of the
Commonwealth indicating thereon evidence of his or her
qualifications as provided by this section.

(2) The Secretary of the Commonwealth shall verify the
qualifications of each applicant. If the Secretary of the
Commonwealth finds that an applicant is not qualified, the
Secretary of the Commonwealth shall not include the applicant's
name in the pool of applicants.

(3) The Secretary of the Commonwealth shall separate all
qualified applicants into three groups consisting of those who
are:

(i) registered with the largest political party in this
Commonwealth based on registration;

(ii) registered with the second-largest political party in
this Commonwealth based on registration; and

(iii) not registered with either of the two largest
political parties in this Commonwealth based on registration.

(4) The Secretary of the Commonwealth shall select, for
appointment as members of the commission, on a random basis from
each of the three groups of qualified applicants. In addition to
the qualification requirements provided in subsection (c).
appointments from each group shall reasonably reflect the
racial, geographic and gender diversity of this Commonwealth.

(5) One of the members shall be selected as chair by a vote
of at least six members of the commission.

(e) The term of office of each member of the commission
shall expire at the same time the commission expires as provided
in this section.

(f) Removal of a member and vacancies on the commission
shall be subject to the following:

(1) If a member of the commission fails to attend more than
two consecutive meetings at which a vote of the commission is
scheduled, the member's position shall be deemed vacant unless
the member is absent due to death of an immediate family member,
personal illness or illness of an immediate family member.

(2) Any vacancy in the commission shall be filled within 14
days from the time the commission is notified of the vacancy in
the same manner in which the position was originally filled and
using the same pool of applicants from which the vacating member
was chosen. If none of those remaining applicants are available
for service, the Secretary of the Commonwealth shall fill the
vacancy from a new pool of applicants created for the same voter
registration category as the vacating member.

(g) A member shall be ineligible for a period of three years
beginning from the expiration of the term for which the member
was appointed to the commission to:

(1) Hold an appointive Federal, State or political
subdivision position in this Commonwealth.

(2) Serve as a paid staff member or paid consultant to
Congress, the General Assembly, the Commonwealth or any
political subdivision.
Register as a Federal, State or local lobbyist in this Commonwealth.

Hold office or serve as a paid staff member or paid political consultant for a political party, political body, political committee or political action committee.

A member shall be ineligible for a period of five years beginning from the expiration of the term for which the member was appointed to the commission to:

Hold elective public office at the Federal, State or political subdivision level in this Commonwealth.

Be eligible for nomination as a candidate for elective office by a political party or political body.

Seven members of the commission shall constitute a quorum. Seven or more affirmative votes shall be required for any official action. The final redistricting plan must be approved by at least seven affirmative votes, which must include at least one vote of a member registered from each of the two largest political parties in this Commonwealth based on registration and one vote from a member who is not registered with either of the two largest political parties.

To begin the process of preparing information necessary to the redistricting process, the commission shall complete all of the following:

The commission shall acquire all necessary and appropriate information, review and evaluate available facilities and develop programs and procedures, which may include the use of software, in preparation for drawing congressional and legislative redistricting plans on the basis of each Federal census. The commission shall make the information available to the public through the commission's 20150SB0484PN1359
publicly accessible Internet website.

(2) As soon as possible after December 31 of each year, ending in zero, the commission shall obtain from the United States Census Bureau the population data needed for legislative districting that the Census Bureau is required to provide the Commonwealth under 13 U.S.C. § 141 (relating to population and other census information) and shall use that data to assign a population figure based upon census data to each geographic and political unit described pursuant to subparagraph (i). Upon completing that task, the commission shall begin the preparation of congressional and legislative redistricting plans as required by this subsection and subsection (i). The commission shall use the data obtained to prepare:

(i) Necessary descriptions of census blocks, voting districts, wards, municipalities and counties for which census data will be reported and which are suitable for use as components of districts.

(ii) Maps of census blocks, voting districts, wards, municipalities and counties within this Commonwealth, which may be used to illustrate the locations of district boundaries proposed in plans drawn in accordance with subsection (i).

(4) The commission shall establish congressional and legislative districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the Constitution of the United States and shall be established on the basis of population as follows:

(i) Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to
the ideal population for such districts, determined by dividing
the number of districts to be established into the population of
this Commonwealth reported in the Federal census. Senatorial
districts and representative districts shall not vary in
population from the respective ideal district populations except
as necessary to comply with one of the other standards
enumerated in this section. In no case shall the quotient,
obtained by dividing the total of the absolute values of the
deviations of all district populations from the applicable ideal
district population by the number of districts established,
exceed 3.5% of the applicable ideal district population. No
senatorial district shall have a population which exceeds that
of any other senatorial district by more than 5%, and no
representative district shall have a population which exceeds
that of any other representative district by more than 5%.
(ii) Congressional districts shall each have a population as
close to the applicable ideal district population as possible.
(2) To the extent consistent with paragraph (1), district
boundaries shall coincide with the boundaries of political
subdivisions of this Commonwealth. The number of counties and
municipalities divided among more than one district shall be as
small as possible. When there is a choice between dividing local
political subdivisions, the more populous subdivisions shall be
divided before the less populous, but this criterion does not
apply to a legislative district boundary drawn along a county
line which passes through a municipality that lies in more than
one county.
(3) Districts shall be composed of contiguous territory.
Areas which meet only at the points of adjoining corners are not
contiguous.
(4) Districts should represent communities of interest.

(5) The geographic integrity of a municipality or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of any of the preceding subsections.

(6) It is preferable that districts be compact in form, except that the standards established in paragraphs (1), (2) and (3) shall take precedence over compactness where a conflict arises between compactness and these standards. Compactness shall be determined through the use of one of the standard compactness measures that compares the area, population or geography of the districts to one another.

(7) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress or other person or group. In establishing districts, the following data shall not be considered:

(i) Addresses of incumbent legislators or members of Congress.

(ii) Political affiliations of registered voters.

(iii) Previous election results.

(8) Each plan drawn under this section shall provide that any vacancy in the General Assembly which is filled under the plan occurring at a time which makes it necessary to fill the vacancy at a special election held under section 629 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

(k) The commission, within 30 days prior to the deadline for approval of a preliminary plan as set forth in subsection (1), shall schedule and conduct at least four public hearings in 20150SB0484PN1359 - 11 -
different geographic regions of this Commonwealth.

(1) Not later than July 1 of each year ending in one, the commission shall complete and approve a preliminary redistricting plan and maps as required under this section and make such preliminary plan and maps available to the public through the commission's publicly accessible Internet website.

(2) The commission, within 30 days following the deadline for approval of a preliminary plan as set forth in paragraph (1), shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, on the preliminary plan.

(3) Not later than August 15 of each year ending in one, the commission shall approve a final redistricting plan. Upon approval, the commission shall certify the resulting plan to the Secretary of the Commonwealth, which plan shall constitute the certified final plan.

(4) If the commission fails to approve a final plan in accordance with paragraph (3), the following shall apply:

(i) Not later than September 1 of each year ending in one, the commission shall complete and approve a second preliminary redistricting plan and maps prepared in accordance with subsection (i) and make such second preliminary plan and maps available to the public through the commission's publicly accessible Internet website.

(ii) Within 30 days following the deadline for approval of the second preliminary plan as set forth in subparagraph (i), the commission shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, on the second preliminary plan.

(iii) Not later than October 15 of each year ending in one,
the commission shall approve a final redistricting plan. Upon
approval, the commission shall certify the resulting plan to the
Secretary of the Commonwealth, which plan shall constitute the
certified final plan.

(n) If the commission does not complete and approve a final
redistricting plan by October 16 of each year ending in one, the
Secretary of the Commonwealth shall immediately petition the
Supreme Court for an order directing the appointment of a
special master to develop and complete a final redistricting
plan in accordance with the criteria and requirements set forth
in subsection (c). The special master must demonstrate expertise
in geographic information systems by holding a graduate degree
in geographic information systems and currently serving as a
faculty member for a geographic information systems program at
an institution of higher learning located within this
Commonwealth and must meet the qualifications in subsection (c)
and be bound by the restrictions in subsection (g). Upon its
approval of the master's plan, the court shall certify the
resulting plan to the Secretary of the Commonwealth, which plan
shall constitute the certified final plan.

(n) The commission has the sole legal standing to defend any
action regarding a certified final plan and shall inform the
General Assembly if it determines that funds or other resources
provided for the operation of the commission are not adequate.

(o) (1) The Supreme Court has original and exclusive
jurisdiction in all proceedings in which a certified final plan
is challenged or is claimed not to have taken timely effect.
(2) Any aggrieved person who is a registered voter in this
Commonwealth may file a petition with the Supreme Court within
30 days after the commission has certified a final plan to the
Secretary of the Commonwealth to bar the Secretary of the
Commonwealth from implementing the plan on the grounds that the
filed plan violates the Constitution of the United States, this
Constitution or any Federal or State statute.
(p) The Department of State shall provide staff as needed to
support the commission in the performance of its duties.
(q) Upon the filing of all redistricting plans required
under this section and the exhaustion of all appeals of a
redistricting plan:
(1) the commission shall expire and the commission's
responsibilities shall terminate; and
(2) the final plan shall have the force of law and the
districts therein provided shall be used thereafter in elections
to the General Assembly until the next redistricting as required
under this section.
(r) The General Assembly shall appropriate sufficient funds
for the compensation and expenses of members and staff appointed
by the commission and for other necessary expenses. In addition
to necessary expenses, the members of the commission shall
receive a per diem for each day or part of a day spent
performing their official duties. The per diem shall be the most
recent per diem rate for locations in this Commonwealth as
established and published by the United States General Services
Administration.
(s) Any district which does not include the residence from
which a member of the Senate was elected whether or not
scheduled for election at the next general election shall elect
a Senator at the election.
(t) The following words and phrases when used in this
section shall have the meanings given to them in this subsection.
unless the context clearly indicates otherwise:

"Commission." The Legislative and Congressional

Redistricting Commission.

"Community of interest." A contiguous population which
shares common social and economic interests that should be
included within a single district for purposes of its effective
and fair representation. It shall not include relationships with
political parties, incumbents or political candidates.

"Federal census." The decennial census required by Federal
law to be conducted by the United States Census Bureau in every
year ending in zero.

"Immediate family." A parent, spouse, child, brother or
sister.

"Member." A member of the Legislative and Congressional
Redistricting Commission.

"Plan." A plan for legislative and congressional
redistricting drawn under the requirements of this section.

Section 2. (a) Upon the first passage by the General
Assembly of this proposed constitutional amendment, the
Secretary of the Commonwealth shall proceed immediately to
comply with the advertising requirements of section 1 of Article
XI of the Constitution of Pennsylvania and shall transmit the
required advertisements to two newspapers in every county in
which such newspapers are published in sufficient time after
passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this
proposed constitutional amendment, the Secretary of the
Commonwealth shall proceed immediately to comply with the
advertising requirements of section 1 of Article XI of the
Constitution of Pennsylvania and shall transmit the required
advertisements to two newspapers in every county in which such
newspapers are published in sufficient time after passage of
this proposed constitutional amendment. The Secretary of the
Commonwealth shall submit this proposed constitutional amendment
to the qualified electors of this Commonwealth at the first
primary, general or municipal election which meets the
requirements of and is in conformance with section 1 of Article
XI of the Constitution of Pennsylvania and which occurs at least
three months after the proposed constitutional amendment is
passed by the General Assembly.
Pennsylvania House of Representatives

House Co-Sponsorship Memoranda

House of Representatives
Session of 2015 - 2016 Regular Session

MEMORANDUM

Posted: February 5, 2016 04:15 PM
From: Representative David Parker
To: All House members
Subject: LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

As many of you may be aware, my home county has been the poster child for the problems associated with our system of legislative redistricting. Based on the 2001 redistricting maps, Monroe County was split among six Pennsylvania Senate districts. This was, thankfully, corrected in the latest round of redistricting.

In the near future, I intend to introduce a joint resolution that would amend the Pennsylvania Constitution concerning legislative and Congressional redistricting. By creating a citizen commission to draw redistricting maps with updated standards, this proposal would ensure a more open, transparent process and a more inclusive, fair result.

My proposal, which will be designated as House Bill 1835, would apply the current state legislative redistricting standards of population equality, maintenance of political subdivisions and compact/contiguous districts to Congressional redistricting. Further, the standards would be enhanced by including such additional requirements as encouraging competitive districts and taking into account communities of interest when drawing district boundaries. Finally, HB 1835 would prevent a repeat of Monroe County’s six-Senate-district-split by tying the number of legislative and senatorial districts more closely to county population numbers.

The independent commission tasked to draw these lines will not be beholden to incumbent politicians or political parties. It will hold public hearings to consider input from the citizens of the Commonwealth and would work within time constraints to ensure the foundational principle of our democratic system, that is, "one person, one vote."

Introduce as HB1835
A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for
3 legislative districts and for the Legislative Reapportionment
4 Commission for the purpose of reapportioning and
5 redistricting the Commonwealth of Pennsylvania.
6
7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby resolves as follows:
9
10 Section 1. The following integrated amendments to the
11 Constitution of Pennsylvania are proposed in accordance with
12 Article XI:
13
14 (1) That section 16 of Article II be amended to read:
15 § 16. Legislative and Congressional districts.
16 (a) The Commonwealth shall be divided into 50 senatorial and
17 203 representative districts, which shall be composed of compact
18 and contiguous territory as nearly equal in population as
19 practicable. Each senatorial district shall elect one Senator,
20 and each representative district one Representative. Unless
21 absolutely necessary no county, city, incorporated town,
borough, township or ward shall be divided in forming either a
senatorial or representative district. A county may not contain
more senatorial districts than the number required by the
population plus one. A county may not contain more
representative districts than the number required by the
population plus two. Senatorial and representative districts
shall respect, where practicable, communities of interest.

(b) Congressional districts shall each have a population as
close to the applicable ideal district population as possible.

To the extent consistent with equality of population,
congressional districts shall be composed of compact and
contiguous territory and, unless absolutely necessary, no
county, city, incorporated town, borough, township or ward shall
be divided in forming congressional districts. Congressional
districts shall respect, where practicable, communities of
interest.

(c) A legislative and congressional redistricting plan shall
not, as a whole, favor a specific person, political party or
political body.

(2) That section 17 of Article II be amended to read:

$17. Legislative [Reapportionment] and Congressional
Redistricting Commission.

(a) [In each year following the year of the Federal
decennial census] Not later than December 31 of each year ending
in zero, a Legislative [Reapportionment] and Congressional
Redistricting Commission shall be constituted for the purpose of
[reapportioning] redistricting the Commonwealth. The commission
shall [act by a majority of its entire membership.]:

(1) Conduct an open and transparent process enabling full
public consideration of and comment on the drawing of district...
(2) Draw district lines according to the redistricting criteria specified in section 16.

(3) Conduct itself with integrity and fairness.

[(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal census as required by Federal law, the four members shall be certified by the President pro tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within 45 days after their certification shall select the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled.

(c) No later than 90 days after either the commission has been duly certified or the population data for the Commonwealth as determined by the Federal census are available, whichever is earlier.
later in time, the commission shall file a preliminary
reapportionment plan with such elections officer.
The commission shall have 30 days after filing the
preliminary plan to make corrections in the plan.
Any person aggrieved by the preliminary plan shall have the
same 30-day period to file exceptions with the commission in
which case the commission shall have 30 days after the date the
exceptions were filed to prepare and file with such elections
officer a revised reapportionment plan. If no exceptions are
filed within 30 days, or if filed and acted upon, the
commission's plan shall be final and have the force of law.
(d) Any aggrieved person may file an appeal from the final
plan directly to the Supreme Court within 30 days after the
filing thereof. If the appellant establishes that the final plan
is contrary to law, the Supreme Court shall issue an order
remanding the plan to the commission and directing the
commission to reapportion the Commonwealth in a manner not
inconsistent with such order.
(e) When the Supreme Court has finally decided an appeal or
when the last day for filing an appeal has passed with no appeal
taken, the reapportionment plan shall have the force of law and
the districts therein provided shall be used thereafter in
elections to the General Assembly until the next reapportionment
as required under this section 17.
(f) Any district which does not include the residence from
which a member of the Senate was elected whether or not
scheduled for election at the next general election shall elect
a Senator at such election.
(g) The General Assembly shall appropriate sufficient funds
for the compensation and expenses of members and staff appointed
by the commission, and other necessary expenses. The members of
the commission shall be entitled to such compensation for their
services as the General Assembly from time to time shall
determine, but no part thereof shall be paid until a preliminary
plan is filed. If a preliminary plan is filed but the commission
fails to file a revised or final plan within the time
prescribed, the commission members shall forfeit all right to
compensation not paid.

(h) If a preliminary, revised or final reapportionment plan
is not filed by the commission within the time prescribed by
this section, unless the time be extended by the Supreme Court
for cause shown, the Supreme Court shall immediately proceed on
its own motion to reassign the Commonwealth.

(i) Any reapportionment plan filed by the commission, or
ordered or prepared by the Supreme Court upon the failure of the
commission to act, shall be published by the elections officer
once in at least one newspaper of general circulation in each
senatorial and representative district. The publication shall
contain a map of the Commonwealth showing the complete
reapportionment of the General Assembly by districts, and a map
showing the reapportionment districts in the area normally
served by the newspaper in which the publication is made. The
publication shall also state the population of the senatorial
and representative districts having the smallest and largest
population and the percentage variation of such districts from
the average population for senatorial and representative
districts.

(b) The commission shall consist of 11 members, as follows:

four who are registered with the largest political party in this
Commonwealth based on registration; four who are registered with
the second-largest political party in this Commonwealth based on
registration and three who are not registered with either of the
two largest political parties in this Commonwealth based on
registration.

(c) Each commission member shall possess all of the
following qualifications:

(1) Be a voter who has been continuously registered in this
Commonwealth with the same political party or unaffiliated with
a political party or political body and whose political
affiliation has not changed in the previous three years,
immediately preceding the date of appointment to the commission.

(2) Has voted in two of the last three Statewide general
elections immediately preceding the date of appointment to the
commission.

(3) Has not held, nor has a spouse who has held, elective
public office at the Federal, State or political subdivision
level in this Commonwealth in the previous five years,
immediately preceding the date of appointment to the commission.

(4) Has not served as a paid staff member or paid consultant
to Congress, the General Assembly, the Commonwealth or any
political subdivision in this Commonwealth in the previous five
years immediately preceding the date of appointment to the
commission.

(5) Has not registered as a Federal, State or local lobbyist
in this Commonwealth in the previous five years immediately
preceding the date of appointment to the commission.

(6) Has not held office or served as a paid staff member for
a political party or political body in the previous five years
immediately preceding the date of appointment to the commission.

(7) Has not been nominated as a candidate for elective.
office by a political party or political body or served as a
paid staff member or officer of a political party, political
body, political committee or political action committee in the
previous five years immediately preceding the date of
appointment to the commission.

(d) Application and selection of the members of the
commission shall be subject to the following:

(1) Application to serve as a member of the commission may
be filed with, and on a form developed by, the Secretary of the
Commonwealth indicating thereon evidence of his or her
qualifications as provided by this section.

(2) The Secretary of the Commonwealth shall verify the
qualifications of each applicant. If the Secretary of the
Commonwealth finds that an applicant is not qualified, the
Secretary of the Commonwealth shall not include the applicant's
name in the pool of applicants.

(3) The Secretary of the Commonwealth shall separate all
qualified applicants into three groups consisting of those who
are:

(i) registered with the largest political party in this
Commonwealth based on registration;

(ii) registered with the second-largest political party in
this Commonwealth based on registration; and

(iii) not registered with either of the two largest
political parties in this Commonwealth based on registration.

(4) The Secretary of the Commonwealth shall select, for
appointment as members of the commission under paragraph (3), on
a random basis from each of the three groups of qualified
applicants. In addition to the qualification requirements
provided in subsection (c), appointments from each group shall
reasonably reflect the racial, geographic and gender diversity of this Commonwealth.

(5) One of the members shall be selected as chair by a vote of at least six members of the commission.

(e) The term of office of each member of the commission shall expire at the same time the commission expires as provided in this section.

(f) Removal of a member and vacancies on the commission shall be subject to the following:

(1) If a member of the commission fails to attend more than two consecutive meetings at which a vote of the commission is scheduled, the member's position shall be deemed vacant unless the member is absent due to death of an immediate family member, personal illness or illness of an immediate family member.

(2) Any vacancy in the commission shall be filled within 14 days from the time the commission is notified of the vacancy in the same manner in which the position was originally filled and using the same pool of applicants under subsection (d)(3) from which the vacating member was chosen. If none of those remaining applicants are available for service, the Secretary of the Commonwealth shall fill the vacancy from a new pool of applicants created for the same voter registration category as the vacating member.

(g) A member shall be ineligible for a period of three years beginning from the expiration of the term for which the member was appointed to the commission to:

(1) Hold an appointive State or political subdivision position in this Commonwealth.

(2) Serve as a paid staff member or paid consultant to Congress, the General Assembly, the Commonwealth or any
(3) Register as a Federal, State or local lobbyist in this Commonwealth.

(4) Hold office or serve as a paid staff member or paid political consultant for a political party, political body, political committee or political action committee.

(h) A member shall be ineligible for a period of five years beginning from the expiration of the term for which the member was appointed to the commission to:

(1) Hold elective public office at the State or political subdivision level in this Commonwealth.

(2) Be eligible for nomination as a candidate for elective office by a political party or political body.

(i) Seven members of the commission shall constitute a quorum. Seven or more affirmative votes shall be required for any official action. The final plan must be approved by at least seven affirmative votes, which must include at least one vote of a member registered from each of the two largest political parties in this Commonwealth based on registration and one vote from a member who is not registered with either of the two largest political parties.

(j) To begin the process of preparing information necessary to the redistricting process, the commission shall complete all of the following:

(1) The commission shall acquire all necessary and appropriate information, review and evaluate available facilities and develop programs and procedures, which may include the use of software, in preparation for drawing a plan on the basis of each Federal census. The commission shall make the information available to the public through the commission's
publicly accessible Internet website.

(2) As soon as possible after December 31 of each year ending in zero, the commission shall obtain from the United States Census Bureau the population data needed for legislative redistricting that the Census Bureau is required to provide the Commonwealth under 13 U.S.C. § 141 (relating to population and other census information) and shall use that data to assign a population figure based upon census data to each geographic and political unit described pursuant to subparagraph (i). Upon completing that task, the commission shall begin the preparation of a plan as required by this section and section 16. The commission shall use the data obtained to prepare:

(i) Necessary descriptions of census blocks, voting districts, wards, municipalities and counties for which census data will be reported and which are suitable for use as components of districts.

(ii) Maps of census blocks, voting districts, wards, municipalities and counties within this Commonwealth, which may be used to illustrate the locations of district boundaries proposed in a plan.

(k) Each plan shall provide that any vacancy in the General Assembly which is filled under the plan, occurring at a time which makes it necessary to fill the vacancy at a special election held under section 629 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

(l) The commission, within 30 days prior to the deadline for approval of a preliminary plan as set forth in subsection (m), shall schedule and conduct at least four public hearings in...
different geographic regions of this Commonwealth.

(m) (1) Not later than July 1 of each year ending in one, the commission shall complete and approve a preliminary plan and maps as required under this section and make such preliminary plan and maps available to the public through the commission's publicly accessible Internet website.

(2) The commission, within 30 days following the deadline for approval of a preliminary plan as set forth in paragraph (1), shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, on the preliminary plan.

(3) Not later than August 15 of each year ending in one, the commission shall approve a final redistricting plan. Upon approval, the commission shall certify the resulting plan to the Secretary of the Commonwealth, which plan shall constitute the certified final plan.

(4) If the commission fails to approve a final plan in accordance with paragraph (3), the following shall apply:

(i) Not later than September 1 of each year ending in one, the commission shall complete and approve a second preliminary redistricting plan and maps prepared in accordance with this section and section 16 and make such second preliminary plan and maps available to the public through the commission's publicly accessible Internet website.

(ii) Within 30 days following the deadline for approval of the second preliminary plan as set forth in subparagraph (i), the commission shall schedule and conduct at least four public hearings, in different geographic regions of this Commonwealth, on the second preliminary plan.

(iii) Not later than October 15 of each year ending in one,
the commission shall approve a final redistricting plan. Upon
approval, the commission shall certify the resulting plan to the
Secretary of the Commonwealth, which plan shall constitute the
certified final plan.

(n) If the commission does not complete and approve a final
plan by October 16 of each year ending in one, the Secretary of
the Commonwealth shall immediately petition the Supreme Court
for an order directing the appointment of a special master to
develop and complete a final plan in accordance with the
criteria and requirements set forth in this section and section
16. The special master must demonstrate expertise in geographic
information systems by holding a graduate degree in geographic
information systems and currently serving as a faculty member
for a geographic information systems program at an institution
of higher learning located within this Commonwealth and must
meet the qualifications in subsection (c) and be bound by the
restrictions in subsections (g) and (h). Upon its approval of
the master's plan, the court shall certify the resulting plan to
the Secretary of the Commonwealth, which plan shall constitute
the certified final plan.

(o) The commission has the sole legal standing to defend any
action regarding a certified final plan and shall inform the
General Assembly if it determines that funds or other resources
provided for the operation of the commission are not adequate.

(p) (1) The Supreme Court has original and exclusive
jurisdiction in all proceedings in which a certified final plan
is challenged or is claimed not to have taken timely effect.
(2) Any aggrieved person who is a registered voter in this
Commonwealth may file a petition with the Supreme Court within
30 days after the commission has certified a final plan to the
Secretary of the Commonwealth to bar the Secretary of the
Commonwealth from implementing the plan on the grounds that the
filed plan violates the Constitution of the United States, this
Constitution or any Federal or State statute.

(q) The Department of State shall provide staff as needed to
support the commission in the performance of its duties.

(r) Upon the filing of all redistricting plans required
under this section and the exhaustion of all appeals of a
redistricting plan:

(1) the commission shall expire and the commission's
responsibilities shall terminate; and

(2) the final plan shall have the force of law and the
districts therein provided shall be used thereafter in elections
to the General Assembly until the next redistricting as required
under this section.

(s) The General Assembly shall appropriate sufficient funds
for the compensation and expenses of members and staff appointed
by the commission and for other necessary expenses. In addition
to necessary expenses, the members of the commission shall
receive a per diem for each day or part of a day spent
performing their official duties. The per diem shall be the most
recent per diem rate for locations in this Commonwealth as
established and published by the United States General Services
Administration.

(t) Any district which does not include the residence from
which a member of the Senate was elected whether or not
scheduled for election at the next general election shall elect
a Senator at the election.

(u) The following words and phrases when used in this
section shall have the meanings given to them in this subsection
unless the context clearly indicates otherwise:

"Commission." The Legislative and Congressional Redistricting Commission.

"Federal census." The decennial census required by Federal law to be conducted by the United States Census Bureau in every year ending in zero.

"Immediate family." A parent, spouse, child, brother or sister.

"Member." A member of the Legislative and Congressional Redistricting Commission.

"Plan." A plan for legislative and congressional redistricting drawn under the requirements of this section and section 16.

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments
under section 1 to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly.