



CITY OF ALLENTOWN

RESOLUTION

R35 – 2022

Introduced by the on March 2, 2022

Amends Council Rule VIII, Voting by requiring a councilperson to submit to council a request in writing for abstaining on a vote prior to the meeting, stating the reason for the abstention pursuant to the local, state and federal statutes and in absent of council approval of such request, the vote shall be recorded in the affirmative.

Resolved by the Council of the City of Allentown, That

WHEREAS, City Council is desirous of reviewing their rule on abstentions; and

WHEREAS, a previous Council established a rule that among other things, noted the failure to vote is an affirmative vote, the rule states:

RULE VIII - VOTING

The vote upon any motion, Resolution or Ordinance will be taken by roll call. The City Clerk will clarify by reading aloud the content of the parliamentary motion, amendment, ordinance or resolution before the roll call is taken. The yeas and nays of each Councilperson will be entered on the minutes. On the call of yeas and nays, no member shall be excused from voting as such, unless by the consent of the Council, or if a bonafide conflict of interest exists as defined in the City's Ethics Ordinance, or other provisions of general law. Unless a member of Council is so excused or prevented from voting, the failure to vote shall be recorded as an affirmative vote. The City Clerk will rotate the order in which the roll is called after every vote with the exception of amendments to the main question.

WHEREAS, the Presiding Officer has not recently intervened or called into question any recent abstention made by a Councilperson; and

WHEREAS, abstentions can be made for a variety of reasons: a conflict of interest, lack of information, protest and trying to avoid a difficult vote; and

WHEREAS, changing an abstention to an affirmative vote that could, in effect, be a factor in approving legislation could be problematic; and

Whereas, The Home Rule Charter notes the Council shall determine its own rules

and Order of Business.

NOW THEREFORE BE IT RESOLVED THAT RULE VIII, VOTING, be amended to read as follows:

RULE VIII – VOTING

All action shall be at a public session and shall require a majority full vote of Council, except in the case of a vote to override a veto which shall require an affirmative vote of five (5) Members, and in the case of passage of an ordinance which shall require a majority vote of Council as a whole unless otherwise specified in this Charter or State Law. Voting shall be by Roll Call vote, and the vote of each Member of Council shall be entered in the Minutes of the Meeting. (Home Rule Charter).

~~The vote upon any motion, Resolution or Ordinance will be taken by roll call. The City Clerk will clarify by reading aloud the content of the parliamentary motion, amendment, ordinance or resolution before the roll call is taken. The yeas and nays of each Councilperson will be entered on the minutes. On the call of yeas and nays, no member shall be excused from voting as such, unless the Councilperson requests an abstention based on a bonafide conflict of interest existing under the City Charter or a City Ordinance, including the City's Ethics Ordinance, Pennsylvania law or Federal law and the abstention is approved by majority vote of the Councilpersons not requesting the abstention. by the consent of the Council, or if a bonafide conflict of interest exists as defined in the City's Ethics Ordinance, or other provisions of general law. The Councilperson shall state specifically the nature of the abstention and shall file a statement with the Clerk prior to the council meeting at which the vote is to be taken that shall become part of and read into the record at the time of the vote. If the abstention is approved by Council, the vote of the abstaining Councilperson shall be recorded as an abstention approved by Council. If the abstention is not approved by Council and the Councilperson does not vote yea or nay, the vote shall be recorded as an abstention not approved by Council. ~~If the abstention is approved, the vote of the abstaining Councilperson shall not be counted. If council does not approve the abstention and the councilperson does not vote yea or nay, the vote shall be recorded as a yea, an affirmative vote.~~ Unless a member of Council is so excused or prevented from voting, the failure to vote shall be recorded as an affirmative vote. The City Clerk will rotate the order in which the roll is called after every vote with the exception of amendments to the main question.~~