

**MICHAEL P. HANLON**

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**CITY CLERK**

June 24, 2019

Timothy Benyo, Chief Clerk  
Lehigh County Board of Elections  
County of Lehigh Government Center  
17 South Seventh Street  
Allentown, PA 18101-2401

Dear Mr. Benyo:

Enclosed are copies of Ordinances #15543 and 15544 adopted on June 20, 2019. The legislation authorizes three questions to be placed on the November 5, 2019 ballot.

Please let us know of future meetings scheduled where the legislation and plain English statements will be discussed.

If you have any questions, please contact the Solicitor's office at (610) 437-7545 or the Clerk's office at (610) 437-7556.

Thank you very much.

Michael P. Hanlon  
City Clerk

Cc: City Council  
Mayor Ray O'Connell  
Matthew Kloiber, City Solicitor  
Jeff Glazier, Controller

Enclosures

*Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers.  
For copies of the agenda or meeting announcements, please visit our website at [www.allentownpa.gov](http://www.allentownpa.gov).*

ORDINANCE NO. 15543

FILE OF CITY COUNCIL

BILL NO. 33 -2019

INTRODUCED BY CITY COUNCIL

June 5, 2019

AN ORDINANCE

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE NOVEMBER 5, 2019 GENERAL ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO CHANGE THE DATE BY WHICH THE MAYOR SHALL SUBMIT A BALANCED BUDGET AND CAPITAL PROGRAM TO CITY COUNCIL FOR THE ENSUING FISCAL YEAR TO OCTOBER 15.

Whereas, Article IX, Section 2 of the Pennsylvania Constitution provides that municipalities shall have the right and power to frame and adopt Home Rule Charters; and

Whereas, the voters of the City of Allentown adopted a Home Rule Charter on April 23, 1996, which became effective in January, 1997; and

Whereas, Section 1103 of the City of Allentown Home Rule Charter authorizes City Council to initiate amendments to the Home Rule Charter through the referendum process; and

Whereas, Article VIII (Financial Procedures), Section 802 (Submission of Balanced Budget and Capital Program) of the City Home Rule Charter states that:

On or before ninety (90) days prior to the ensuing fiscal year, the Departments Heads will submit Proposed Budget and Capital Program to the Mayor. On or before sixty (60) days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, Capital Program and an accompanying message. The Proposed Balanced Budget and Capital Program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

Whereas, Section 2942 of the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. § 2942, authorizes the governing body of a Home Rule municipality to initiate a referendum to amend its Home Rule Charter by the enactment of an Ordinance; and

Whereas, the City Council of the City of Allentown seeks an amendment to the Home Rule Charter to be voted upon by the City of Allentown electorate through referendum to make earlier deadlines for the budget.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN

SECTION ONE: The Lehigh County Board of Elections is directed to place the following referendum question to the voters of the City of Allentown on the November 5, 2019 election ballot:

"Shall Section 802 of the City of Allentown Home Rule Charter be amended to make the deadline fifteen days earlier in the fiscal year for the Mayor to submit a Proposed Balanced Budget and Capital Program?"

SECTION TWO: Section 701 of the Home Rule Charter shall be amended to read as follows:

**SECTION 802 SUBMISSION OF BALANCED BUDGET AND CAPITAL PROGRAM**

On or before ninety (90) days prior to the ensuing fiscal year, the Departments Heads will submit Proposed Budget and Capital Program to the Mayor. On or before seventy-five (75) days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, Capital Program and an accompanying message. The Proposed Balanced Budget and Capital Program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

SECTION THREE: This Ordinance shall take effect ten (10) days after final passage.

SECTION FOUR: All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION FIVE: Pursuant to the Home Rule Charter, if adopted by the voters of the City of Allentown, this provision shall be considered adopted and effective upon certification by the Lehigh County Election Board.

SECTION SIX: The referendum question, if approved by the voters, will not take effect until January 1, 2020.

Amendment Made at June 19<sup>th</sup> Council Meeting:

Adding a Section stating: The referendum question, if approved, will not take effect until January 1, 2020.  
Approved 6 – 0 (Zucal absent).

	Yea	Nay
Candida Affa, VP	X	
Julio A. Guridy	X	
Daryl Hendricks	X	
Cynthia Y. Mota	X	
Courtney Robinson	X	
Ed Zucal		
Roger MacLean, Pres.	X	
TOTAL	6	0

I hereby certify that the foregoing Ordinance was  
passed by City Council on June 19, 2019 and signed by  
the Mayor on June 20, 2019.



CITY CLERK

ORDINANCE NO. 15544

FILE OF CITY COUNCIL

BILL NO. 34 -2019

INTRODUCED BY COUNCIL

June 5, 2019

AN ORDINANCE

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE NOVEMBER 5, 2019 GENERAL ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER REQUIRE CITY COUNCIL TO ADOPT AN ANNUAL BUDGET NO LATER THAN DECEMBER 31<sup>ST</sup> OF THE FISCAL YEAR CURRENTLY ENDING FOR THE ENSUING FISCAL YEAR, TO REQUIRE AFIRMATIVE VOTES OF FOUR (4) MEMBERS OF CITY COUNCIL TO ADOPT A BUDGET AND TO ELIMINATE THE POTENTIAL OF A BUDGET FOR THE ENSUING FISCAL YEAR TO BECOME EFFECTIVE BY DEFAULT

Whereas, Article IX, Section 2 of the Pennsylvania Constitution provides that municipalities shall have the right and power to frame and adopt Home Rule Charters; and

Whereas, the voters of the City of Allentown adopted a Home Rule Charter on April 23, 1996, which became effective in January 1997; and

Whereas, Section 1103 of the City of Allentown Home Rule Charter authorizes City Council to initiate amendments to the Home Rule Charter through the referendum process; and

Whereas, Article VIII (Financial Procedures), Section 805 (City Council Action on Budget) of the City Home Rule Charter states that:

#### **SECTION 805 CITY COUNCIL ACTION ON BUDGET**

**A. *Public Access to Budget:*** The proposed budget shall be available for public inspection at City Hall and at the Allentown Public Library and the Lehigh County Law Library, and copies shall be available for the public at a reasonable fee to be set by the Council.

**B. *Amendment Before Adoption.*** After the public hearing, the City Council may adopt the budget with or without amendments. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended Budget increases, decreases or readjusts funding requirements by more than five (5%) percent, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three (3) normal City work days.

Council shall provide for another public hearing to be held within five (5) days after the Mayor has resubmitted the Budget.

*C. **Adoption.** Council must adopt an annual budget by no later than December 15th of the fiscal year currently ending. If Council fails to adopt a Budget by December 15th, the Mayor's original proposed balanced Budget shall become the official Budget of the City for the ensuing fiscal year.*

Whereas, Article VIII (Financial Procedures), Section 807, Subsection D (Revenue)) of the City Home Rule Charter states that:

## **SECTION 807 REVENUE**

D. Council may reduce any tax rate or fee (provided it maintains the minimum ratios for property taxes as in Section 807 (C)(2)) by a majority vote. Council may increase property tax rates or fees (Provided it maintains the minimum ratios for property taxes as in Section 807 (C)(2) by five votes.

Whereas, Section 2942 of the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. § 2942, authorizes the governing body of a Home Rule municipality to initiate a referendum to amend its Home Rule Charter by the enactment of an Ordinance; and

Whereas, the City Council of the City of Allentown seeks an amendment to the Home Rule Charter to be voted upon by the City of Allentown electorate through referendum to require City Council to adopt an annual Budget no later than December 31<sup>st</sup> of the fiscal year currently ending for the ensuing fiscal year, to require affirmative votes of four (4) members of City Council to adopt a Budget and to eliminate the potential of a Budget for the ensuing fiscal year to become effective by default.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN

SECTION ONE: The Lehigh County Board of Elections is directed to place the following referendum question to the voters of the City of Allentown on the November 5, 2019 election ballot:

"Shall Section 805, Subsection C of the City of Allentown Home Rule Charter be amended to require City Council to adopt an annual Budget no later than December 31<sup>st</sup> of the fiscal year currently ending for the ensuing fiscal year and to eliminate the potential of a Budget for the ensuing fiscal year to become effective by default?"

SECTION TWO: The Lehigh County Board of Elections is directed to place the following referendum question to the voters of the City of Allentown on the November 5, 2019 election ballot:

"Shall Section 807, Subsection D of the City of Allentown Home Rule Charter be amended to require the affirmative vote of four (4) members of City Council to adopt a Budget?"

SECTION THREE: Section 805, Subsection C of the Home Rule Charter shall be amended to read as follows:

## **SECTION 805 CITY COUNCIL ACTION ON BUDGET**

**A. Public Access to Budget:** The proposed budget shall be available for public inspection at City Hall and at the Allentown Public Library and the Lehigh County Law Library, and copies shall be available for the public at a reasonable fee to be set by the Council.

**B. Amendment Before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendments. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service

or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended Budget increases, decreases or readjusts funding requirements by more than five (5%) percent, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three (3) normal City work days.

Council shall provide for another public hearing to be held within five (5) days after the Mayor has resubmitted the Budget.

**C. Adoption and effective date.** Council and the Administration must adopt an annual budget such that the effective date of the budget will be no later than December 15<sup>th</sup> 31<sup>st</sup> of the fiscal year currently ending. ~~If Council fails to adopt a Budget by December 15<sup>th</sup>, the Mayor's original proposed balanced Budget shall become the official Budget of the City for the ensuing fiscal year. See this Charter, Sections 219 and 221 for discussion of effective dates.~~

~~**1. The Mayor's Original Proposed Balanced Budget contains No Tax or Fee Increases:** If Council fails to adopt a budget by December 15<sup>th</sup>, the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.~~

~~**2. The Mayor's Original Proposed Balanced Budget Contains a Tax or Fee Increase:** If Council fails to adopt a budget by December 15<sup>th</sup>, the tax rate or fee for the ensuing fiscal year shall not be increased, but shall remain the same as the current fiscal year, and cuts shall be made from the Mayor's proposed expenditures on a prorated basis across each and every line item in the relevant Fund, except for debt service or other expenditures mandated by law. The resulting budget shall become the official budget of the City for the ensuing fiscal year. The Administration may propose transfers to adjust funding according to the procedures found in the Charter and Administrative Code.~~

~~**3. The Mayor's Original Proposed Balanced Budget Contains a Tax or Fee Decrease:** If Council fails to adopt a budget by December 15<sup>th</sup>, the tax rate or fee for the ensuing fiscal year shall not be decreased but shall remain the same as the current fiscal year, and the surplus revenue shall be placed in the relevant Fund's balance. The resulting budget shall become the official budget of the City for the ensuing fiscal year.~~

SECTION FOUR: Section 807, Subsection D of the Home Rule Charter shall be amended to read as follows:

#### **SECTION 807 REVENUE**

D. Council may reduce any tax rate or fee (provided it maintains the minimum ratios for property taxes as in Section 807 (C)(2)) by a majority vote. Council may increase property tax rates or fees (provided it maintains the minimum ratios for property taxes as in Section 807 (C)(2)) by ~~five~~ four (4) votes.

SECTION FIVE: This Ordinance shall take effect ten (10) days after final passage.

SECTION SIX: All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION SEVEN: Pursuant to the Home Rule Charter, if adopted by the voters of the City of Allentown, this provision shall be considered adopted and effective upon certification by the Lehigh County Election Board.

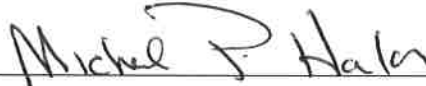
SECTION EIGHT: This Referendum question, if approved, will not take effect until January 1, 2020.

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	Yea	Nay
Candida Affa, VP	X	
Julio A. Guridy	X	
Daryl Hendricks	X	
Cynthia Y. Mota	X	
Courtney Robinson	X	
Ed Zucal	X	
Roger MacLean, Pres.	X	
TOTAL	7	0

**I hereby certify that the foregoing Ordinance was passed by City Council on June 19, 2019 and signed by the Mayor on June 20, 2019.**

  
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**CITY CLERK**