

FILE OF CITY COUNCIL

ORDINANCE NO. 15915

BILL NO. 49 - 2023

INTRODUCED BY COUNCIL

June 13, 2023

AN ORDINANCE

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE NOVEMBER 7, 2023, BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO ESTABLISH THE SALARY OF THE CONTROLLER EQUAL TO 80% OF THE MAYOR'S SALARY WHICH IS CURRENTLY AT \$95,000.

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, Sections 402 AND 403 of the City Home Rule Charter states that:

**SECTION 402 ELIGIBILITY**

The candidate for City Controller shall be a registered voter of the City and shall continue to reside in the City throughout the term of office. The City Controller elected at the first election under this Charter shall receive an annual salary of \$49,892. All future increases or decreases in the City Controller's salary shall be by referendum.

**SECTION 403 RESPONSIBILITY**

The City Controller shall:

- A. Have financial oversight of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council and City Boards, Commissions and Agencies;
- B. Review the Annual Budget before approval by City Council, and make nonbinding recommendations to the Mayor and to City Council for consideration, if he or she deems it necessary;

- C. Be present or represented at all Council meetings;
- D. Perform audits, including performance audits, of the City and any City department, office, authority, board or commission. In the performance of such audits, the City Controller, to the fullest extent allowable by law, shall be given access to any and all information and documents reasonably and actually necessary for the completion of such audits. The Controller, in conducting such audits, shall in all respects comply with Section 171.02.B (Confidential Information) of the City Ethics Code and Section 140.17 (Employee Conduct and Work Rules), Part H.12 of the Personnel Code prohibiting the unauthorized disclosure of confidential information in violation of federal, state and local laws. All information and documents made available to the Controller to conduct such audits and any reports resulting therefrom shall be subject to the provisions of the Pennsylvania Right-to-Know Law.  
**[Amended 5-18-2021 (1-6-2021 by Ord. No. 15668)]**
- E. Report, to the Mayor and to City Council, on the progress of the implementation of any recommendations as found in the Annual Audit and Management Letter;
- F. Assist in all audits conducted by independent auditors;
- G. Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations;
- H. Furnish to City Council, the Mayor, and others, as appropriate, periodic reports of audits conducted;
- I. Interpret and communicate audit policies and procedures to all City management and staff;
- J. Direct internal financial security and loss investigation activities;
- K. Prepare an annual budget for the office of City Controller and operate the office of City Controller within approved budget limitations; and
- L. Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Controller.

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.

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 7, 2023 election ballot:

"Shall Section 402 of the City of Allentown Home Rule Charter be amended to set the salary of the Controller equal to 80% of the Mayor's salary?"

SECTION TWO: Section 402 of the Home Rule Charter shall be amended to read as follows:

#### **SECTION 402 ELIGIBILITY**

The candidate for City Controller shall be a registered voter of the City and shall continue to reside in the City throughout the term of office. The City Controller elected at the first election under this Charter shall receive an annual salary of \$49,892 that is equal to 80% of the Mayor's salary. ~~All future increases or decreases in the City Controller's salary shall be by referendum.~~

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.

	Yea	Nay
Candida Affa	X	
Ce-Ce Gerlach	X	
Cynthia Y. Mota	X	
Santo Napoli	X	
Natalie Santos	X	
Ed Zucal	X	
Daryl Hendricks, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on July 19, 2023 and signed by the Mayor on July 24, 2023.



CITY CLERK