

FILE OF CITY COUNCIL

BILL NO. 50 - 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, GENERAL ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO INCREASE THE SALARY OF THE CITY COUNCIL TO \$15,000 AND THE PRESIDENT OF COUNCIL SHALL RECEIVE ONE THOUSAND DOLLARS IN ADDITION TO THE SALARY OF A REGULAR CITY COUNCIL MEMBER.

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 204, 208 AND 209 of the City Home Rule Charter states that:

SECTION 204 COMPENSATION

A. Each Council Member elected at the first election under this Charter and in subsequent elections, or already in office when this Charter takes effect, shall receive an annual salary in the amount of \$6,149. The President of Council shall receive Five Hundred (\$500.00) Dollars in addition to the salary of a regular City Council member. Increases in the salary of city Council members may be attained only by referendum.

B. In addition to their salary, Council members may, at their own expense, purchase into the existing health care plan for city employees for themselves and for their families at the group rates, charged by the health care provider, to the City, available to City employees. City Council members shall be reimbursed for their legitimate expenses related to the office of Council, and shall receive no other benefits.

SECTION 208 GENERAL POWERS AND DUTIES

All powers of the City not otherwise provided for in this Charter shall be exercised in a manner to be determined by Council. Council shall provide for the exercise and performance of any such other powers and duties in a manner consistent with the terms of this Charter.

SECTION 209 PROHIBITIONS

- A. No Council Member shall hold any compensated appointive City office or City employment.
- B. No Council Member shall serve as a compensated elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.
- C. No Council member shall hold any compensated appointive City office or City employment until one year after his or her resignation or one year after the expiration of the term for which the member was elected to the Council.
- D. Except for the purpose of inquiry, the Council and its Members shall deal with all departmental and bureau employees through the Mayor or a designee of the Mayor.
- E. Neither the Council nor any of its Members shall, in any manner, dictate the appointment or removal of any City administrative offices or employees whom the Mayor or subordinates of the Mayor are empowered to appoint except as otherwise provided in this Charter.
- F. No Council Member shall serve as an employee of any municipal authority, which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the Member was elected to Council.
- G. Any Council Member who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any sale of land with the City or in any contract with the City, shall immediately make publicly known their interest and shall refrain from voting upon, or otherwise participating in the sale of such land or making of such contract. A statement of such interest shall be filed with the City Clerk. Any Council Member who willfully conceals such interests shall be guilty of malfeasance in office.

Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

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 7, 2023 election ballot:

“Shall Section 204 of the City of Allentown Home Rule Charter be amended to set the salary of the Council at \$15,000 and the President of Council shall receive One Thousand Dollars in addition to the salary of a regular City Council member?”

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

SECTION 204 COMPENSATION

A. Each Council Member elected at the first election under this Charter and in subsequent elections, or already in office when this Charter takes effect, shall receive an annual salary in the amount of ~~\$6,149~~ (\$15,000). The President of Council shall receive ~~Five Hundred (\$500.00) Dollars~~ One Thousand (\$1,000.00) Dollars in addition to the salary of a regular City Council member. Increases in the salary of city Council members may be attained only by referendum.

B. In addition to their salary, Council members may, at their own expense, purchase into the existing health care plan for city employees for themselves and for their families at the group rates, charged by the health care provider, to the City available to City employees. City Council members shall be reimbursed for their legitimate expenses related to the office of Council and shall receive no other benefits.

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.