ALLENTOWN CITY COUNCIL RULES March 2024

RULE I - MEETINGS OF COUNCIL

A. Regular Meetings: Regular meetings will be held on the first and third Wednesday of each month at 6:30 P.M. in Council Chambers or at other such locations as agreed by Council. Council may, by resolution, cancel a meeting in the advent it is deemed not necessarily due to lack of business. (25892 3/2/88; 26216 3/21/90 Art. II, §212; 13910-Charter Referendum; 28856 4/4/12; 30237 3/3/2021)

B. Organizational Meeting: On the first Monday of January in every year following a regular municipal election and on the date of the first regular meeting in all other years, the Members of Council will assemble and organize and elect a President and vice-president of Council from among its members. If the first Monday of January in a year following a municipal election is a legal holiday, the meeting will be held on the first day following. All newly elected members will take the oath of office at the organizational meeting. (27728 12/5/01)

C. Special Meetings: The President of Council may and upon receiving a written request from a majority of Council Members, call a special meeting of the Council. (Art. II, §212) The call will specify if the special meeting be for general or special business. If called for special business, no other business will be considered. Each member will have at least 24 hours' notice of special meetings or may waive the same.

D. Citizens' Right to Be Heard: The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard will be the first order of business at all public meetings and before a vote on any Council business. The public will be granted the opportunity to comment at Council meetings without time limitations, except when the Council President, imposes a reasonable time limitation deemed necessary. Council members, by a vote of a majority plus one (1), may override the Council President's time limitation. (Art. II, §213)

E. Citizens Opportunity to Request and Receive Information Prior To Meetings: Council must provide reasonable opportunity for interested citizens and taxpayers to ask questions and receive information on matters before committee or council prior to the meetings. Request for information from citizens and taxpayers shall be forwarded to the City Clerk. In addition, Council members requesting information shall also forward the information to the City Clerk. Requests shall be made at least 48 hours prior to the meeting. The Clerk shall make every reasonable effort to have the request and answers posted on the agenda found on the city website. (29990 5/20/20)

RULE II - CALL TO ORDER

A. Call: The presiding officer will call the meetings to order.

B. Quorum: A Quorum of Council will consist of a majority plus one of qualified Council members. If there is no quorum, the members present may adjourn. (Art. II, §214)

RULE III
ORDER OF BUSINESS

The order of business will be as follows:

Invocation
Pledge to the Flag
Roll Call
Courtesy of the Floor
Contract Approvals
Minutes of Previous Meeting
Old Business
Communications

Reports
Ordinances for Final Passage
Consent Agenda
Resolutions for Final Passage
(Appointments would be included here since they are now resolutions)
Ordinances for Introduction
Resolutions for Introduction
New Business
Good and Welfare
Adjournment

(24831 2/18/81; 25050 7/7/82; 26940 9/21/94; Art. II, §213; *285774/1/09; 29009 5/21/14; 30237 6/16/21)*

RULE IV - AGENDA

A. Submitting Agenda Items: Any Resolution, Ordinance, or other agenda items, upon introduction by the Administration and, in the case of introduction by Council with the sponsorship of at least two (2) Members of Council or after consideration by Committee, will be considered by Council, if it is submitted in written form to the City Clerk's Office no later than 4:00 P.M., eight days, preceding the day of the Council meeting, except in the case of special meetings.

B. Repetitive Legislation: Sponsorship of three members of Council will be required when the proposed legislative agenda item is substantially the same as an item which has been acted on within a two-year time period. The President of Council will make the determination as to whether the legislation is substantially the same before the item is placed on Council's agenda. Four (4) members of Council may overrule the President's determination at the next regularly scheduled Council meeting.

C. Preparation of Agenda: Under the direction of the President, the City Clerk will prepare and make available to the Mayor, all Members of Council, and any interested person, no later than the day preceding the Council meeting, an agenda which includes copies of all Resolutions and Ordinances submitted in accordance with Section A and B of this Rule. The City should make use of the City website to post the agenda and to email the agenda to those that have requested so with the Clerk's Office. (26941 9/21/94; 28577 5/6/09)

D. Consent Agenda: Items on the Consent Agenda shall be voted on by a single vote. The vote will be a Roll Call Vote. Any individual member of Council may pull an item from the Consent Agenda. Items pulled will be voted on individually at the appropriate place on the agenda for the item. Public Comments for the items on the Consent Agenda will be taken prior to the Consent Agenda Vote. (30237 6/16/21)

RULE V - LEGISLATION

A. General: All legislation of Council will be by Resolution or Ordinance. Every Ordinance passed by Council will be signed by the President of Council and attested to by the City Clerk.

B. Numbered: All proposed Ordinances and Resolutions presented to Council will be written or typewritten and numbered serially for the calendar year.

C. Introduction: An Ordinance or Resolution may be introduced by the Administration or by any two members Council. The title of all bills and resolutions shall be read into the record. A complete copy of every bill or resolution shall be available for public inspection at the City Clerk's Office during regular office hours. (26383 2/20/91; Article II, §217; *5/21/14 29009*)

D. Form of an Ordinance: Every ordinance will have a title clearly expressing its subject and every ordinance will

contain only one subject. (Art. II, §216).

E. Amendments: Ordinances will not be altered or amended on their passage so as to change their original purpose.

F. Final Passage of Ordinances: A minimum of fourteen (14) days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property. However, Council may, by the affirmative vote of six (6) of its seven (7) members, reduce or eliminate the fourteen (14) day period between introduction and passage of any ordinance. (Art. II, §218)

G. Effective Date of Legislation: Subject to the provisions of Section 221, Submission to Mayor and Veto Power, every adopted ordinance, except emergency legislation, will become effective at the expiration of thirty (30) days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than ten (10) days after adoption. (Art. II, §219)

H. Emergency Ordinance: An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance will be introduced in the form and manner prescribed for an ordinance generally, except that it will be plainly designated as an emergency ordinance and will describe in clear and specific terms the nature of the emergency. Every emergency ordinance will automatically stand repealed as of the ninety-first (s) day following the date on which it was adopted, but this will not prevent reenactment of the ordinance if the emergency still exists. (Art. II, §220)

I. Submission to Mayor and Veto Power:

1. Before any ordinance takes effect, it must first be submitted, to the Mayor, for approval. The Mayor will sign the ordinance within ten (10) days if approved (except in the case of budget or levy ordinances which shall be five days), but if not, will return it to Council stating objections in a written message. Council may, at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five (5) members of City Council. (Art. II, §221)

2. If the Mayor fails, within ten (10) days after any ordinance is submitted to him, to sign the ordinance and/or return it to Council, such ordinances will be considered adopted at the expiration of the ten (10) day period. (Art. II, §221)

3. The veto power of the Mayor will not apply to ordinances adopted by initiative or referendum. (Art. II, §221)

RULE VI
ELECTION AND REMOVAL OF PRESIDENT AND VICE PRESIDENT

A. Election of the President and Vice President of Council

Council will elect a President and Vice President at its organizational meeting. The President or Acting President will first take nominations from the floor for Council President. Each Councilperson can only make one nomination. After the nominations have been made by councilpersons, the President may offer a nomination. The potential candidates shall be voted on as nominated. The first candidate to receive a majority vote will become the President. The procedures will be the same for the election of the Vice President. (30154 3/3/2021)

If a Councilperson is not able to attend such meeting, they may participate in the election of the president by phone. (26643 10/21/92; 28613 8/5/09)

B. Removal: The Council may call for a vote to remove a President or Vice-President and elect a

new President or Vice-President by a Resolution passed at a regular Council meeting, declaring that such a removal and election will be voted upon at the next regular Council meeting and if passed by the affirmative vote of five (5) members of Council. The Resolution will take effect immediately. (25576 12/18/85)

RULE VII - PRESIDING OFFICER

A. President: The Presiding Officer will be the President. The Vice-President will be the Presiding Officer in the absence of the President.

B. Questions of Procedure: The Presiding Officer will have general supervision of the meeting and decide all questions of procedure, subject to appeal by any two (2) Members. If such an appeal is made, a vote is required, and the President's decision may be overruled by a majority vote of the Councilpersons present.

C. Privilege of the Floor: Members and others given the privilege of the floor will address the Presiding Officer. The Presiding Officer will extend the courtesy to the Councilperson(s) responsible for introducing legislation the opportunity to speak first. Each member will have the right to speak twice on any subject. No Member will be allowed to speak more than twice on any subject without permission of the Presiding Officer. No Member will speak more than three (3) times on the question without the unanimous consent of all the Members present. (26980 12/21/94)

Privilege of the Floor will not be extended for personal insults or personal attacks on any individual, name calling or other behavior that is inconsistent with the purpose and intent of conducting official business.

When given Privilege of the Floor, please state your name and address. All remarks must be directed towards the presiding officer or council as a body, not a particular Council member or elected official, the audience or city staff. Unless otherwise determined, individuals shall have three minutes to address council and individuals representing a bona-fide group shall have five minutes. (27472 2/17/99; *29009 5/21/14*)

D. Referral to Committee: At the meeting in which any Ordinance first appears upon the agenda, after discussion as set forth heretofore, the Presiding Officer will commit said Ordinance to the appropriate committee. At the meeting in which any Resolution or other matter first appears upon the agenda it will be acted upon by Council at that meeting unless the Presiding Officer, or the Council, by a majority vote commits such matters to the appropriate committee.

Public comment will be taken on bills or resolutions on introduction prior to any action to refer the bills to committee. (*5/21/14 29009)*

E. Debate: The Presiding Officer may participate in debate without leaving his chair.

F. Citizen Participation during Council Meetings: Citizens wishing to address council at its regular meetings may do so under Courtesy of the Floor, and Bills and Resolutions on introduction and final passage.

Courtesy of the Floor: Courtesy of the Floor is extended to individuals wishing to address an item that is not on council's agenda that is relevant to the operation of city government.

Please state your name and address at the podium. All remarks must be directed towards the presiding officer or council as a body, not a particular Council member or elected official, the audience or city staff. Unless otherwise determined, individuals shall have three minutes to address council and individuals

representing a bona-fide group shall have five minutes. (*5/21/14 29009)*

G. Candidate Participation: Persons running for office in a primary or general election will not be allowed to speak to "new issues" under Good and Welfare or Courtesy of the Floor. Candidates for political office may address City Council under Courtesy of the Floor as long as the issue under consideration is not a new issue but an old issue and no political statements are made. An old issue is defined as a concern that appears in the minutes of City Council. (28561 4/1/09) This prohibition will apply as soon as the candidate's nominating petition is filed and until after the General Election in that same year (unless a candidate is unsuccessful in the primary). The Presiding Officer will enforce this rule.

1. Good and Welfare prohibition applies to members of City Council seeking election.

2. Courtesy of the Floor prohibition applies to those, not on Council, seeking election. (26179 12/6/89)

H. The Presiding Officer will not extend Courtesy of the Floor or Good and Welfare for personal insults or personal attacks on any individual, name calling or other behavior that is inconsistent with the purpose and intent of Courtesy of the Floor and Good and Welfare. (27472 2/17/99)

I. Use of Electronic Communication Devices During City Council Meetings

Councilmember's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials that are on a Councilmember's I-pad/tablet device or lap top computer, is prohibited during Council meetings.

Council members should not be sending or receiving email, or texting or receiving texts during the meeting.

This policy does not prohibit using an electronic communications device in the event of an urgent family matter.

Should council inadvertently receive such messaging it shall be immediately shared with the council and the public during the meeting. (30062 10/21/2020)

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 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. 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. 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. (26643 10/23/92; 26668 1/20/93; 27682 6/20/01;)

RULE IX – APPOINTMENTS

Appointments shall be listed on the agenda under Appointments if they received a recommendation from the Appointments Committee or the council president places them, on the agenda. *This* provision shall not apply to the appointment of Department Directors and the Solicitor. (28577 5/6/09; *29009 5/21/14; 30154 3/3/2021)*

RULE X - TRANSMITTAL TO MAYOR

A. All Ordinances adopted by the Council will be submitted by the City Clerk to the Mayor within forty-eight (48) hours after Final Passage for his action.

B. All Resolutions adopted by City Council will be forwarded as a courtesy to the Mayor by the City Clerk.

RULE XI – COMMITTEES

A. <u>Standing Committees</u>: The following will be the standing committees of City Council:

Budget and Finance: All matters pertaining to or falling under the jurisdiction of the Finance Department inclusive of taxes, bonds, capital programs, and strategic financial plans

Public Safety: All matters pertaining to or falling under the jurisdiction of Police, Fire, EMS and the Communications Center

Community and Economic Development: All matters pertaining to or falling under the jurisdiction of Economic Development, Building Safety, Zoning, Planning, Health, Permits, Redevelopment and Human Relations and issues relating to inclusion and equity. (30592 2/1/2023)

Parks and Recreation: All matters pertaining to or falling under the jurisdiction of Parks and Recreation and the Environmental Advisory Council

Public Works: All matters pertaining to or falling under the jurisdiction of Public Works inclusive of streets, sewer and water systems and plants, engineering, solid waste and maintenance of city facilities (but not including park and recreational outdoor areas)

Human Resources, Administration and Appointments: All matters pertaining to Human Resources, information technology, and appointments inclusive of the personnel code, wages and benefits, and appointments to Authorities, Boards and Commissions.

Rules, Chambers, Intergovernmental Relations and Strategy: All matters pertaining to the conduct and procedure of the Council of the City of Allentown including the Chambers, office, staff, and matters relating to intergovernmental relations and Council Strategy.

B. <u>Special Committees:</u> Special committees may be created from time to time by the president or by Resolution. The duration of a special committee will be no more than six (6) months unless reestablished by

Council or the President.

C. Members: Members of the various committees will be appointed by the President of Council, with the requirement that every committee have exactly three members of council.

D. The Chairperson: The Chairs of each committee will be selected by the President of Council with the mandate that every member of Council is required to chair a standing committee and the Council President will serve as chair of the Rules and Chambers Committee along with Vice President. The Council President shall choose the Chairperson of each committee in consultation with members of City Council. Members of Council will inform the committee chairperson in writing of any questions, complaints or other matters brought to their attention by members of the public which pertain to or fall under the jurisdiction of that committee. The Committee Chairperson shall serve as Council's liaison to the bureaus falling under the jurisdiction of the committee. *(28537 1/7/2009)*

E. Ex Officio Appointments: The Council President shall appoint ex officio council members to other committees, authorities, boards and commissions after consultation with members of City Council. (29074 4/1/2015)

F. Recall: Any matter referred to committee may be sent to the Council for action by the affirmative vote of a majority of the appropriate committee or at any time by the affirmative vote of any four (4) Members of the Council.

RULE XII - RECONSIDERATION

A. Reconsideration: A motion to reconsider an Ordinance will be entertained only at the next regular meeting following the one at which a vote was taken on that Ordinance. A Resolution may be reconsidered at the same meeting at which a vote was taken on that Resolution. No second motion to reconsider the motion will be entertained. An Ordinance or Resolution may be reconsidered only once and only at the time stated above.

A motion to reconsider may be made by a member who voted on the prevailing side of the matter to be reconsidered, or by a member who has notified the President of City Council of their intention to be absent and was not present when such a vote was taken. (27391 2/4/98)

B. Veto: Following a veto of an Ordinance by the Mayor, Council may reconsider the Ordinance on or after the third day following its return by the Mayor. Council may override the Mayor's veto by passing a Resolution. Said Resolution will require two-thirds votes of Council Members.

RULE XIII – PROCEDURE

When a question is under consideration, no motion will be entertained except for the following motions:

To adjourn
The previous question
To lay on the table
To postpone definitely
To postpone indefinitely
To commit
To amend

These questions have preference in the order given. The first three (3) must be decided without debate. A motion to adjourn is always in order except when the main question has been ordered put, when a

member has the floor, or during a call for the yeas and nays.

Motions for the previous question, to postpone definitely or commit, will preclude amendment or debate upon the original subject. Motion to postpone will preclude commitment. A motion to postpone indefinitely is debatable and can go fully into the merits of the main question (27039 5/3/95)

RULE XIV - RECEIVING REPORTS

The Presiding Officer at a meeting of Council will direct that a report or communication be received and that this action be noted on the minutes by the Clerk. By direction of the President or vote of Council, a report or communication may be referred to committee or other appropriate body.

RULE XV - ROBERT'S RULES OF ORDER

Robert's Rules of Order will govern the proceedings of the Council on matters not specifically provided for herein.

RULE XVI - SUSPENSION OF RULES

These Rules may be suspended by a majority of the Members of Council present. The suspension of rules will not extend beyond adjournment. No Rule of Council which is also the subject of legislative enactment will be suspended.

RULE XVII - AMENDMENTS

Council rules may be amended through the resolution process providing there is two weeks between introduction of the proposed rule change and final approval. (30237 6/16/21)

RULE XVIII - ATTENDANCE OF WITNESSES AND PRODUCTION OF BOOKS BEFORE COUNCIL OR COMMITTEE

Council may compel the attendance of witnesses, and the production of books, papers, and other evidence, at any meeting of the body or any committee thereof. For that purpose, upon affirmative vote of a majority of Council, subpoenas may be issued, signed by the President of Council, in any pending case of inquiry or investigation. The subpoenas may be served and executed in any part of this Commonwealth. Any Member of Council or the City Clerk will have the power to administer oaths to such witnesses. No person outside of such City, subpoenaed as aforesaid, will be required to respond to the same until he has been furnished with mileage to and from said City at the mileage reimbursement rate currently in effect for City employees.

RULE XX - FILLING OF VACANCIES - COUNCIL, CONTROLLER AND MAYOR

Vacancies shall be filled according to the requirements of the charter – sections 207, 304 and 405. When a vacancy occurs in the office of Council, Controller or the Mayor, City Council shall immediately advertise the vacancy in a local newspaper, on the City's website and notify the political party of the person who left office that Council will be accepting applications to fill the vacant position. Applications shall consist of a resume and a statement stating the reasons the applicant will bring value to the City as a Councilperson, Mayor or City Controller. Applications shall be received no later than fourteen days after the effective date of the vacancy.

The applications shall be reviewed by the President or Acting President of Council to make sure the applicant is qualified pursuant to the charter and applicable state law. The replacement must be a qualified voter of the same party as the person vacating the seat at least 30 days prior to the vacancy. After review, Council shall have a public meeting to review the resumes and statements of the applicants and interview each of the candidates. The candidates shall be chosen in a random fashion for interviews.

After the interviews, Council shall vote on the candidates to fill the vacancy at a public meeting.

Each councilperson will fill out and sign a ballot indicating their choice to fill the position. The ballots shall be given to the City Clerk who shall read aloud the name of the candidate selected by each councilperson. The process continues until a candidate earns a majority of votes. (26631 10/7/92; 25142 2/2/83; 26631 10/7/92; 28809 11/2/2011; 29619 3/14/2018)

RULE XXI - ETHICS

The actions of all Council Members will be guided by the provisions of the Pennsylvania Ethics Act, the Ethics Ordinance of the City of Allentown and the provisions on ethics in the Charter.

No Council Member will use the services of City personnel during regular working hours or utilize, at any time, City equipment or supplies in their election or campaign efforts. (5/5/93 26739)

RULE XXII TRAVELING AND EXPENSES

Any Councilperson wishing to travel at the City's expense to a seminar or conference, shall request such an expenditure from City funds, by sending a request to the President of City Council. The request should provide a detailed explanation of the purpose of the trip, location, costs, and benefit to the City. All travel is contingent upon sufficient funds being available for such expense.

An expense report must be filed within five (5) working days upon return. (27868 9/3/2004)

Rule XXIII - Budget Procedures (30154 3/3/2021)

Budget Meetings: Council shall establish public meetings on the budget to correspond to the standing committees that have jurisdiction over the administration in their respective areas: Budget and Finance, Human Resources, Community and Economic Development, Appointments and Administration, Parks and Recreation, Public Safety, and Public Works. Each of the budget meetings shall be chaired by the respective Chairperson of that committee. Council may set up other meetings at the request of four members of Council or by the Council President.

Budget Amendments: Budget amendments shall be in writing and be made available to the public, administration and Council at least two days prior to the public meeting at which they will be discussed and voted on.

Adoption of Amendments: Budget amendments shall be acted on prior to the meeting at which the budget is adopted unless four Councilpersons waive this rule. (28797 9/21/2011)