

CITY OF ALLENTOWN

No. 47

RESOLUTION

R - 2016

Introduced by City Council on March 16, 2016

Council Rules Amendment: Candidates filling a vacancy in the office of Council, the Controller or the Mayor must be of the same political party as the person who held the position immediately preceding the vacancy for 30 days or more in advance of the appointment. If a person vacating the position has no party affiliation, a person of any party or an independent shall be eligible.

Resolved by the Council of the City of Allentown, That

WHEREAS, the Home Rule Charter spells out requirements relating to party affiliation and the filling of vacancies in the offices of council, the Mayor and the City Controller:

SECTION 207 FILLING OF (Council) VACANCIES

A vacancy in the Council shall be filled by a majority vote of the remaining Members of Council. If the Council fails to act within thirty (30) days following the occurrence of the vacancy, the court of Common Pleas of Lehigh County shall, upon petition of three (3) Members of Council or ten (10) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. The replacement Council member shall be a qualified voter of the same party as the person vacating the seat, or, if the person vacating the seat had no party affiliation, a person of any political party as appointed by Council. The individual appointed will remain in office until the first Monday in January following the next municipal election. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term.

SECTION 304 (Mayor) VACANCY

A. If the office of the Mayor becomes vacant for any reason, Council shall appoint an interim Mayor of the same political party who shall serve until the next Municipal election.

SECTION 405 (Controller) VACANCY

A. If the office of the City Controller becomes vacant for any reason, Council shall appoint an interim City Controller, of the same political party, who shall serve until the next Municipal Election.

WHEREAS, the Charter is silent on a time frame or deadline for being a member of a registered party meeting the qualifications for appointment; and

WHEREAS, the Solicitors Office finds that Pennsylvania Voter Registration Law controls in filling vacancies; and

WHEREAS, the Solicitor's Office finds the appointment by Council is analogous to a special election where the dead line for registration is 30 days prior to the election; and

WHEREAS, Council recognizes without a time frame the reference to party affiliation could be made meaningless and have no substance: for example, if the composite of council would be 4 of one particular party, they could up their leverage on council by simply having someone of their party make a quick change.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Allentown that following the solicitor's opinion and the spirit of the drafters of the charter, they hereby amend council rules to include the following:

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. Candidates filling a vacancy in the office of Council, the Controller or the Mayor must be of the same political party as the person who held the position immediately preceding the vacancy for 30 days or more in advance of the appointment. If a person vacating the position has no party affiliation, a person of any party or an independent shall be eligible. 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)