

NOTES: This bill was introduced on January 18 and discussed on January 25. There were a few issues raised at that meeting and subsequently answered by the Solicitor's office. First, it was noted there was a cost for putting the question on the May primary - a separate ballot would have needed to be printed for the independents for just the ballot question - independents do not vote in a primary. The City would have incurred that cost - for this reason the bill was deferred. Second, there was a question of effective date: the solicitor's office has noted, if approved in November, the limit would be effective when certified and would be in effect when a Mayor takes office is 2018. They suggest adding such a provision to the legislation for clarification. Third, there was uncertainty about time frame - does the legislation need to be submitted 13 or 10 Tuesdays prior to the election; the solicitor's office recommend 13 Tuesdays prior to the November election to the safe, this takes you to 8/8/17. Fourth, and this is the critical one: Council wanted some certainty about the language in the amendment - the initial bill allowed for two terms but you could sit out a term and run again; after discussion there was approval of a motion to limit the office to only two terms that were consecutive and to have the solicitor's office draft the appropriate language. I understood your motion to mean that if a Mayor ran for a second term and lost, that is it - they can't not run again. After speaking to a few of you I am not sure everyone is on that page - three options are scoped out below in the form of amendments.

FILE OF CITY COUNCIL

BILL NO. 5 - 2017

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INTRODUCED BY COUNCIL

JANUARY 418, 2017

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AN ORDINANCE

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE ~~MAY 16~~, November 7, 2017 PRIMARY ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO LIMIT THE TERM OF THE OFFICE OF MAYOR TO TWO (2) TERMS

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;

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

Whereas, Article III (The Mayor), Section 302 (Election and Terms) of the City Home Rule Charter states that the term of the Mayor shall be four (4) years commencing the first Monday in January after the election;

Whereas, the Home Rule Charter does not limit the number of terms the Mayor may serve;

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 establish a term limit for the Office of the Mayor of two (2) terms.

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 ~~May 16, 2017~~ November 7, 2017 election ballot:

Article III (The Executive Branch), Section 302 (Election and Terms)

"Shall Section 302 of the City of Allentown Home Rule Charter be amended to add a term limitation for the Office of the Mayor by adding the following provision?

THIS IS WHAT WAS IN THE ORIGNINAL ORDINANCE: (Added underline for clarification.)

**Option 1. The Mayor shall be eligible to succeed himself for only one additional term. The Mayor shall be eligible to run for the office after sitting out a complete term of office. The time served to fill in for the remainder of an unexpired term shall not be deemed a "term" for the purposes of this limitation. (Mimics Bethlehem, this would allow a person to sit out a term, and run again; reminder that Charter provides for filling a vacancy and is subject to the position being on the next municipal election which creates an inherent limitation – see below. )**

**Option 2 The Mayor shall be eligible for two terms only, provided that the terms follow one another. The Mayor shall not be eligible for election for more than two successive terms. The time served to fill in for the remainder of an unexpired term shall not be deemed a "term" for the purposes of this limitation. (Mimics Philadelphia, this had the appearance of being a potential consensus at the last meeting.)**

**Option 3: No person shall be elected to the office of Mayor more than twice. The time served to fill in for the remainder of an unexpired term shall not be deemed a "term" for the purposes of this limitation. (Mimics 22<sup>nd</sup> amendment)**

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

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

SECTION FOUR: Pursuant to the Home Rule Charter, if adopted by the voters of Allentown, these provisions shall be considered adopted and effective upon certification by the Election Board. (Suggestion from Solicitor to avoid any concerns about effective date.)

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#### **SECTION 304 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.

B. If the Council fails to act within thirty days following the occurrence of the vacancy, the Court of Common Pleas of Lehigh County shall, upon petition of three members of Council or ten qualified electors of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. A vacancy in the office of Mayor shall be filled at the next Municipal Election, in the manner provided by law. The person elected shall hold the qualifications for the office of the Mayor and shall serve the remaining portion of the vacated term.

C. If the vacancy occurs more than ninety (90) days before the next general municipal election, the appointee as selected in the preceding paragraph shall serve until the first Monday of January next following said election. If a portion of the term remains beyond said date, an individual shall be elected at said general municipal election to serve from the first Monday of January following said election to the end of the term as provided in Section 302.

D. Until the vacancy is filled, the President of Council shall act as Mayor. If the President of Council should resign or be unable to act, the Acting Mayor shall be chosen by a majority vote of the remaining members of Council to serve as Acting Mayor until the vacancy is filled by election.

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