

ORDINANCE NO. 15377

FILE OF CITY COUNCIL

BILL NO. 5 - 2017

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INTRODUCED BY COUNCILPERSONS:

Candida Affa, Julio A. Guridy, Daryl Hendricks, Roger MacLean, David McGuire, Cynthia Y. Mota,  
and Ray O'Connell

JANUARY 18, 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 NOVEMBER 7, 2017 GENERAL 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 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?

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.

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.

**AMENDMENTS WERE APPROVED BY ALL COUNCIL MEMBERS PRESENT ON MAY 31, 2017 – Mr. Roger MacLean was absent.**

**THE AMENDMENTS CHANGED THE DATE FROM MAY 16, 2017 PRIMARY ELECTION TO NOVEMBER 7, 2017 GENERAL ELECTION AND INSERTED THE FOLLOWING PROVISION IN SECTION ONE: 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, AND ADDED 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.**

# **JUNE 7, 2017 VOTE**

	Yea	Nay
Candida Affa	X	
Julio A. Guridy	X	
Daryl Hendricks, VP	X	
Roger MacLean	X	
David K. McGuire	X	
Cynthia Y. Mota	X	
Ray O'Connell, Pres.	X	
TOTAL	7	0

**I hereby certify that the foregoing Ordinance was passed by City Council on June 7, 2017, vetoed by Mayor Pawlowski in a memo dated June 16, 2017 and overridden on June 21, 2017.**

  
CITY CLERK