

FILE OF CITY COUNCIL

BILL NO. 33 -2019

INTRODUCED BY CITY COUNCIL

June 5, 2019

AN ORDINANCE

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE NOVEMBER 5, 2019 GENERAL ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO CHANGE THE DATE BY WHICH THE MAYOR SHALL SUBMIT A BALANCED BUDGET AND CAPITAL PROGRAM TO CITY COUNCIL FOR THE ENSUING FISCAL YEAR TO OCTOBER 15.

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, Article VIII (Financial Procedures), Section 802 (Submission of Balanced Budget and Capital Program) of the City Home Rule Charter states that:

On or before ninety (90) days prior to the ensuing fiscal year, the Departments Heads will submit Proposed Budget and Capital Program to the Mayor. On or before sixty (60) days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, Capital Program and an accompanying message. The Proposed Balanced Budget and Capital Program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

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 5, 2019 election ballot:

“Shall Section 802 of the City of Allentown Home Rule Charter be amended to make the deadline fifteen days earlier in the fiscal year for the Mayor to submit a Proposed Balanced Budget and Capital Program?”

SECTION TWO: Section 701 of the Home Rule Charter shall be amended to read as follows:

**SECTION 802 SUBMISSION OF BALANCED BUDGET AND CAPITAL PROGRAM**

On or before ninety (90) days prior to the ensuing fiscal year, the Departments Heads will submit Proposed Budget and Capital Program to the Mayor. On or before seventy-five (75) days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, Capital Program and an accompanying message. The Proposed Balanced Budget and Capital Program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

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.

SECTION SIX: The referendum question, if approved by the voters, will not take effect until January 1, 2020.

Amendment Made at June 19<sup>th</sup> Council Meeting:

Adding a Section stating: The referendum question, if approved, will not take effect until January 1, 2020.  
Approved 6 – 0 (Zucal absent).