

COUNCIL

ORDINANCE NO. 14432

FILE OF CITY COUNCIL

BILL NO. 66 - 2006

INTRODUCED BY LOUIS J. HERSHMAN AND DAVID K. BAUSCH

JULY 19, 2006

AN ORDINANCE

Amending Article 121.02, Heads of Departments, Offices and Agencies; Qualifications; Prohibitions; Duties, by requiring the Mayor to submit Department Director's appointments to Council seven (7) days prior to the appointment and requiring Council approval of any temporary appointment.

Introduced by Councilperson Hershman, this legislation would require timely notification of appointments and limit temporary appointments, unless approved by four (4) Councilpersons.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

**121.02 HEADS OF DEPARTMENTS, OFFICES AND AGENCIES;
QUALIFICATIONS; PROHIBITIONS; DUTIES**

A. Appointment: Except as otherwise provided by this Charter or other applicable statute, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council, by resolution, confirms it or fails to reject it within sixty (60) days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner. (Art. V, §503)

~~B. The Mayor shall notify Council of the appointment at least seven (7) days prior to the effective date.~~

C. The Mayor shall submit any temporary appointment of a department director to Council within ~~thirty (30)~~ sixty (60) days of the position being occupied or the temporary appointment shall become null and void after thirty (30) days unless approved by Council. Temporary appointments may take place only if approved by four (4) Councilpersons, by resolution, at a public meeting for the specified time indicated in the resolution. Council shall act on the temporary appointment at the next regularly scheduled meeting after notification by the Mayor.

C D. Qualifications

The heads of departments, offices and agencies shall be selected solely on the basis of education, training, experience; and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (Art. V, §504)

D E. Prohibitions

1. The Department Head shall devote full time to the office; shall hold no compensated elective public office; and shall hold no other City office or City employment for which any compensation is paid or received. (Art. V, §505)

2. A Department Head who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any sale of land with the City or, in any contract with the City, shall immediately make known that interest to Council. A Department Head who wilfully conceals such an interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City. (Art. V, §505)

3. The Department Head shall refrain from participating in the debate and discussion of policy by City Council unless authorized by the Mayor, but may respond to inquiries on any matter under consideration. (Art. V, §505)

E F. Duties of Department Directors

In addition to the duties prescribed in general law, each director of a department shall, under the general direction of the Mayor:

1. Direct the performance of all duties and responsibilities required of his department or its subordinate agencies provided by State law, this Administrative Code, or other Ordinances of the City, and such other duties as may be required by the Mayor which are not in conflict with law or Ordinances;

2. Prescribe the internal organization of the department and the duties of subordinate officers and employees within the department;

3. Assign functions, powers and duties to subordinate officers and employees within the department, and modify such assignments as need appears;

4. Supervise the work of the department through the provisions provided by this Administrative Code and such other organization units as the director of the department may find necessary or desirable and supervise and direct the work of the employees of the department;

5. Delegate to division heads such of their powers as they may deem necessary for efficient administration; (11787 §311 1/20/70)

6. Report at least semi-annually, on or near January 31 and July 31, to the Mayor and Council in such form as shall be approved by the Director of Administration on the work of the department during the preceding year and upon request of the Mayor and/or Council, file interim monthly reports for periods requested. (12620 §2 9/5/84; 13013 §1 11/7/90)

SECTION TWO: That this Ordinance take effect ten (10) days after final passage.

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

	Yea	Nay
David K. Bausch	X	
Michael D'Amore	X	
Julio A. Guridy	X	
Louis J. Hershman	X	
Tony Phillips	X	
Martin Velazquez, III	X	
David M. Howells, Sr. President	X	
TOTAL	7	0

Amendment to Delete Paragraph “B” and change thirty days to “sixty days” in Paragraph “C”

	Yea	Nay
David K. Bausch	X	
Michael D'Amore	X	
Julio A. Guridy	X	
Louis J. Hershman	X	
Tony Phillips	X	
Martin Velazquez, III	X	
David M. Howells, Sr. President	X	
TOTAL	7	0

**I hereby certify that the foregoing
Ordinance was passed by City Council
and signed by His Honor the Mayor on
the 7th day of November, 2006.**

CITY CLERK