

FILE OF CITY COUNCIL

BILL NO. 90 -2020

INTRODUCED BY COUNCIL

December 21, 2020

AN ORDINANCE

DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE MAY 18, 2021 MUNICIPAL PRIMARY ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO EXTEND THE GEOGRAPHIC LIMITS OF THE CITY RESIDENCY REQUIREMENT FOR CITY HEADS OF DEPARTMENTS, OFFICES AND AGENCIES

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 X (Administration), Section 503. A (Heads of Departments, Offices and Agencies) of the City Home Rule Charter states that City Council shall approve or fail to reject appointments the Mayor makes of qualified persons to serve as City Department Heads;

Whereas, Article VI (Personnel System), Section 606 (Compensation of Heads of Departments, Offices & Agencies & City Solicitor), addresses compensation and imposes a residency requirement, specifically:

All such heads of departments, offices, and agencies, need not be residents of the City at the time of appointment, but, after appointment, shall reside in the City. City residency shall be required within twelve (12) months of being appointed. *The City Solicitor shall be either a resident and/or a taxpayer of the city of Allentown prior to their appointment [;]*

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 extend the geographic area in which City Department Heads must reside;

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 May 18, 2021 election ballot:

“Shall Section 606 of the City Home Rule Charter, which requires Heads of Departments, Offices and Agencies to reside within the City of Allentown within one year of appointment, be amended to require such individuals at the time of appointment to reside within five (5) miles of the City’s borders? ”

SECTION TWO: Section 606 of the Home Rule Charter shall be amended to read as follows:

**SECTION 606 COMPENSATION OF HEADS OF DEPTS.,
OFFICES & AGENCIES, & CITY SOLICITOR**

The compensation of all heads of departments, offices and agencies, and the City Solicitor, under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code.

Residency Requirement. All such heads of departments, offices, and agencies, need not be residents of the City at the time of appointment, but shall legally reside within five (5) miles of the City’s borders within twelve (12) months of being appointed. The appointment will terminate automatically twelve months after the appointment if the residency requirement has not been met. This provision shall apply to appointments under the requirements of the Charter.

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.