# CITY OF ALLENTOWN

# HOME RULE CHARTER

**Adopted by the Allentown Voters**
**April 23, 1996**
**Effective January 1997**
March 2020 Edition

The Government Study Commission was established as a result of Ordinance 13229 and the approval of the citizens of Allentown on May 10, 1994 by a vote of 3,418 to 2,422. The Charter was approved by the Allentown voters on April 23, 1996 by a vote of 3,293 to 2,225 and took effect on the first Monday in January of 1997. A history of the amendments to the Charter is included at the end of the document. If you have any questions, please contact the Clerk's Office.

Compiled by the City Clerk's Office - March 2020
Michael.Hanlon@allentownpa.gov
435 Hamilton Street
Allentown, PA 18101-16103
610 - 437-7556

## TABLE OF CONTENTS


**I - POWERS OF THE CITY**

101 The City
102 Grant of Power
103 Exercise of Powers
104 Preservation of Powers of the People
105 Construction

**II - THE LEGISLATIVE BRANCH**

201 City Council
202 Eligibility
203 Election and Terms
204 Compensation
205 Vacancies
206 Forfeiture of Office
207 Filling of Vacancies
208 General Powers and Duties
209 Prohibitions
210 Investigations
211 Removal Powers
212 Procedures
213 Citizens' Right To Be Heard
214 Quorum
215 Ordinances in General
216 Form of an Ordinance
217 Procedures
218 Final Passage of Ordinances
219 Effective Date of Legislation
220 Emergency Ordinance
221 Submission to Mayor and Veto Power
222 Recording of Ordinances
223 Action by Resolution or Motion
224 City Clerk

**III - THE EXECUTIVE BRANCH**

301 The Mayor
302 Election and Terms
303 Eligibility
304 Vacancy
305 Forfeiture of Office
306 Prohibitions
307 Compensation
308 Powers and Duties of the Mayor
309 Appointment by the Mayor
310 Removals by the Mayor
311 Deputy Mayor

**IV - CITY CONTROLLER**

401 Election and Terms
402 Eligibility
403 Responsibility
404 Forfeiture of Office
405 Vacancy
406 Prohibitions

**V- ADMINISTRATION**

501 Administrative Code
502 Common Administrative Procedures
503 Heads of Depts, Offices and Agencies
504 Qualifications
505 Prohibitions
506 Dept of Public Works/City Engineer
507 Department of Finance

**VI - PERSONNEL SYSTEM**

601 Job Discrimination
602 Personnel System
603 Personnel Code
604 Collective Bargaining Agreements
605 Department of Human Resources
606 Compensation of Heads of Depts., Offices and Agencies and City Solicitor
607 Political Activity

**VII - CITY SOLICITOR**

701 Qualifications and Responsibilities

**VIII - FINANCIAL PROCEDURES**

801 Fiscal Year
802 Submission of Balanced Budget and Capital Program
803 Budget Message
804 Budget
805 City Council Action on Budget
806 Revised Budget
807 Revenue
808 Amendments after Adoption
809 Lapse of Appropriations
810 Administrative of the Budget and Capital Plan
811 Capital Plan
812 City Council Action on Capital Plan
813 Public Records
814 Independent Audit
815 Bidding Process

**IX-AUTHORITIES, BOARDS & COMMISSIONS**

901 Establishment
902 Membership

**X - CITIZENS' RIGHTS AND PARTICIPATION**

1001 General Provisions
1002 Initiative and Referendum
1003 Initiative and Referendum; Commencement of Proceedings; Petitioners Committee; Affidavit
1004 Initiative and Referendum; Petitions
1005 Initiative and Referendum Procedure after Filing
1006 Referendum Petitions; Suspension of Effect of Ordinance
1007 Initiative and Referendum; Action on Petitions
1008 Initiative and Referendum; Results of Election
1009 Initiative and Referendum; Limitations
1010 Citizens' Right to Place an Item on the City Council Agenda
1011 Citizens' Right to Call a Special Meeting of City Council

**XI - GENERAL PROVISIONS**

1101 Conflict of Interest and Code of Ethics
1102 Prohibitions
1103 Amendments

**XII - TRANSITION**

1201 Purpose of Article
1202 Effective Date
1203 Initial Elections
1204 Initial Salaries of Elected Officials
1205 Continuation of Boards and Commissions
1206 Specific Transfer of Functions
1207 Personnel
1208 1997 Budget
1209 Legal Continuity
1210 Temporary Ordinance
1211 Mandatory Acts
1212 Transition Committee

**HOME RULE CHARTER**

## ARTICLE I - POWERS OF THE CITY

### SECTION 101 THE CITY

A. The City shall be a municipality of the Commonwealth of Pennsylvania known as the City of Allentown. Its boundaries shall remain as they are on the effective date of this Charter unless otherwise changed by law. The City shall be governed pursuant to this Charter.

B. English shall be the official language of the City of Allentown and the language in which City business shall be conducted, unless otherwise required by applicable state and/or federal law or regulation.

### SECTION 102 GRANT OF POWER

The City shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania, or by this Charter.

### SECTION 103 EXERCISE OF POWERS

All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by ordinances or resolutions of the City Council.

### SECTION 104 PRESERVATION OF POWERS OF THE PEOPLE

Powers reserved to the people by the Constitution of the United States and by that of the Commonwealth of Pennsylvania shall be inviolate.

### SECTION 105 CONSTRUCTION

A. Powers. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this Article.

B. Severability. If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be limited in its effect and operation to the particular provision involved.

## ARTICLE II - THE LEGISLATIVE BRANCH

### SECTION 201 CITY COUNCIL

There shall be seven (7) members of Council elected at large. The President of Council shall be nominated and elected by the Council members.

### SECTION 202 ELIGIBILITY

A. Only qualified voters of the City, as established by the general laws of the Commonwealth of Pennsylvania for municipal elections, shall be eligible to run for City Council.

B. All Council members and the Council President must retain residence in the City during their term of office. If, during a term of office, a Council member moves out of the city, he or she must resign from his or her position on City Council.

### SECTION 203 ELECTION AND TERMS

A. The regular election of Council members shall be held on the General Municipal Election Day as established by the laws of the Commonwealth of Pennsylvania. The terms of Council members shall begin at noon (12:00 p.m.) on the first Monday of January next following the municipal election and shall be four (4) years.

B. In the year the Mayor is elected, four (4) Council members shall be elected. In the next municipal election, three (3) Council members shall be elected.

### SECTION 204 COMPENSATION

A. Each Council Member elected at the first election under this Charter and in subsequent elections, or already in office when this Charter takes effect, shall receive an annual salary in the amount of $6,149. The President of Council shall receive Five Hundred ($500.00) Dollars in addition to the salary of a regular City Council member. Increases in the salary of city Council members may be attained only by referendum.

B. In addition to their salary, Council members may, at their own expense, purchase into the existing health care plan for city employees for themselves and for their families at the group rates, charged by the health care provider, to the City,

available to City employees. City Council members shall be reimbursed for their legitimate expenses related to the office of Council, and shall receive no other benefits.

**SECTION 205 VACANCIES**

The Office of Council Members shall become vacant upon death of the Member, resignation, removal from office in any manner authorized by law or forfeiture of office.

**SECTION 206 FORFEITURE OF OFFICE**

A Member of Council shall forfeit office if the Member:

A. Lacks, at any time during the term of office, any qualification for the office prescribed by this Charter or by law;

B. Violates any express prohibition of this Charter;

C. Fails to attend three (3) consecutive regular meetings of the Council without being excused by the President of Council or a simple majority of remaining Council members;

D. Is convicted of any crime classified as a misdemeanor of the second degree or higher, under the laws of the Commonwealth of Pennsylvania or of the United States, or be convicted of any comparable graded crime under the laws of any other state in the United States.

In all cases of forfeiture, the Member shall be entitled to notice and a hearing before Council in accordance with administrative procedures to be established by Council.

**SECTION 207 FILLING OF VACANCIES**

A vacancy in the Council shall be filled by a majority vote of the remaining Members of Council. If the Council fails to act within thirty (30) days following the occurrence of the vacancy, the court of Common Pleas of Lehigh County shall, upon petition of three (3) Members of Council or ten (10) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. The replacement Council member shall be a qualified voter of the same party as the person vacating the seat, or, if the person vacating the seat had no party affiliation, a person of any political party as appointed by Council. The individual appointed will remain in office until the first Monday in January following the next municipal election. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term.

**SECTION 208 GENERAL POWERS AND DUTIES**

All powers of the City not otherwise provided for in this Charter shall be exercised in a manner to be determined by Council. Council shall provide for the exercise and performance of any such other powers and duties in a manner consistent with the terms of this Charter.

**SECTION 209 PROHIBITIONS**

A. No Council Member shall hold any compensated appointive City office or City employment.

B. No Council Member shall serve as a compensated elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.

C. No Council member shall hold any compensated appointive City office or City employment until one year after his or her resignation or one year after the expiration of the term for which the member was elected to the Council.

D. Except for the purpose of inquiry, the Council and its Members shall deal with all departmental and bureau employees through the Mayor or a designee of the Mayor.

E. Neither the Council nor any of its Members shall, in any manner, dictate the appointment or removal of any City administrative offices or employees whom the Mayor or subordinates of the Mayor are empowered to appoint except as otherwise provided in this Charter.

F. No Council Member shall serve as an employee of any municipal authority, which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the Member was elected to Council.

G. Any Council Member 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 publicly known their interest and shall refrain from voting upon, or otherwise participating in the sale of such land or making of such contract. A statement of such interest shall be filed with the City Clerk. Any Council Member who willfully conceals such interests 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.

**SECTION 210 INVESTIGATIONS**

A. Council shall have the power, by ordinance, to make or cause to be made, investigations, audits or studies of the City and the conduct of any City department, office or agency, and, for this purpose may retain professional and technical assistance, subpoena witnesses, administer oaths, take testimony, require the production of evidence, and provide funds for such investigation, audit, or study.

B. The subjects of such investigation, audit or study shall be specifically stated in the authorizing ordinance.

**SECTION 211 REMOVAL POWERS**

A. Council shall have the power to remove from office for cause set forth in this section, any person appointed to the office by Council.

B. Council, may at its discretion, remove the City Solicitor if six (6) Members of the City Council vote in favor of a motion to do so.

C. Council shall have the power to remove any elected official or appointed department head from office, if Council finds such person guilty of malfeasance in office. Malfeasance in office means an unlawful act committed willfully by an elective public officer in his or her capacity as an elected official.

**SECTION 212 PROCEDURES**

A. Rules. The Council shall determine its own rules and Order of Business.

B. Meetings. Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule. *Council may, by resolution, cancel a meeting in the advent it is deemed not necessary due to lack of business.* (11/6/01)

C. Special Meetings. Special meetings may be held on the call of the President of Council or at least four (4) Members of Council at such time and place and under such conditions as the Council may prescribe by rule.

D. Meetings Open to the Public. All meetings shall be open to the public, except executive sessions as authorized by law. The Chambers shall be arranged in such a way as to have all Members of Council facing the public.

E. Voting. All action shall be at a public session and shall require a majority full vote of Council, except in the case of a vote to override a veto which shall require an affirmative vote of five (5) Members, and in the case of passage of an ordinance which shall require a majority vote of Council as a whole unless otherwise specified in this Charter or State Law. Voting shall be by Roll Call vote, and the vote of each Member of Council shall be entered in the Minutes of the Meeting.

F. The Council shall provide for keeping of Minutes of its proceedings. The Minutes shall be a public record and shall be maintained in City Hall and a copy in the Allentown Public Library and in the Lehigh County Law Library.

**SECTION 213 CITIZENS' RIGHT TO BE HEARD**

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when the Council President, imposes a reasonable time limitation deemed necessary. Council members, by a vote of a majority plus one (1), may override the Council president's time limitation.

**SECTION 214 QUORUM**

A Quorum of Council shall consist of a majority plus one of qualified Council members.

## SECTION 215 ORDINANCES IN GENERAL

Council may legislate by passage of an ordinance. All ordinances introduced shall be kept in a place accessible to the public at all reasonable times. Final action on all ordinances shall take place during public meetings.

## SECTION 216 FORM OF AN ORDINANCE

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

## SECTION 217 PROCEDURES

A. An ordinance shall be introduced by any two (2) Members of City Council at any regular or special meeting of the Council without vote.

B. After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council Member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk.

## SECTION 218 FINAL PASSAGE OF ORDINANCES

A minimum of fourteen days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property. However, Council may by the affirmative vote of six of its seven members reduce or eliminate the fourteen day period between introduction and passage of any ordinance.

## SECTION 219 EFFECTIVE DATE OF LEGISLATION

Subject to the provisions of Section 221 Submission to Mayor and Veto Power, every adopted ordinance except emergency legislation shall become effective at the expiration of thirty days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than ten days after adoption.

## SECTION 220 EMERGENCY ORDINANCE

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for an ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

## SECTION 221 SUBMISSION TO MAYOR AND VETO POWER

A. Before any ordinance takes effect, it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within ten (10) days if approved, but if not, shall return it to Council stating objections in a written message, *except in the case of budget or levy ordinances for which said period shall be reduced to five (5) days*. Council may at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five (5) members of City Council. (11/6/01)

B. If the Mayor fails within ten (10) days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the ten (10) day period, *except in the case of budget or levy ordinances, such ordinances shall be considered adopted at the expiration of the five (5) day period*. (11/6/01)

C. The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

## SECTION 222 RECORDING OF ORDINANCES

The Clerk shall record all ordinances, resolutions and City Council minutes in accordance with the Retention and Disposition Schedule for Records of Pennsylvania Municipalities. No later than three months after the close of each year, the codification and index of ordinances shall be compiled. After they are passed, all ordinances shall be open and available for public inspection at the Allentown Public Library.

## SECTION 223 ACTION BY RESOLUTION OR MOTION

Nothing in this Article is intended to preclude Council from taking appropriate action by resolution or motion.

## SECTION 224 CITY CLERK

City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, take the minutes of all City Council meetings, keep the minutes of its proceedings, be a notary public, shall serve as secretary to the Council and perform such other duties as are assigned by the Administrative Code, the Council, or state law.

## ARTICLE III
## THE EXECUTIVE BRANCH

### SECTION 301 THE MAYOR

The executive, administrative and law enforcement powers of the City shall be vested in the Mayor. The Mayor shall control and be accountable for the executive branch of the City government, as provided by this Charter.

### SECTION 302 ELECTION AND TERMS

The election of the Mayor shall be held in municipal elections in the manner provided by law. The term of office of the Mayor shall be four years commencing the first Monday in January after the election.

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. (15377 6/21/2017 – 8,170 to 3,205)

### SECTION 303 ELIGIBILITY

The candidate for Mayor shall be a registered voter of the City. The Mayor shall continue to reside in the City throughout the term of office.

### 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.

### SECTION 305 FORFEITURE OF OFFICE

The Mayor shall forfeit office if the Mayor:

A. Lacks at any time during term of office for which elected any qualifications for the office prescribed by this Charter or by law;

B. Violates any expressed prohibition of the Charter; or

C. Is convicted of any crime classified as a misdemeanor of the second degree or higher, under the laws of the Commonwealth of Pennsylvania or the United States or be convicted of any comparable graded crime under the laws of any other state in the United States.

In all cases of forfeiture, the Mayor shall be entitled to notice and a hearing in accordance with the administrative procedures to be established by Council.

### SECTION 306 PROHIBITIONS

A. The Mayor shall not hold any compensated appointive City office or City employment during the term of office for which the Mayor was elected.

B. The Mayor shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.

C. The Mayor shall not serve as an employee of a municipal authority, which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term of office for which the Mayor was elected.

D. A Mayor who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of land, shall immediately make known that interest to Council. A Mayor who willfully conceals any such interests 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.

**SECTION 307 COMPENSATION**

A. The Mayor shall receive an annual salary in the amount of $61,493 until such amount is changed by City Council.

B. City Council may determine the annual salary of the Mayor by ordinance, but no ordinance changing such salary shall become effective until the date of commencement of the term of the Mayor elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

**SECTION 308 POWERS AND DUTIES OF THE MAYOR**

The Mayor shall have the following powers and duties:

A. Execute, enforce and obey the ordinances of the City, the laws of the Commonwealth of Pennsylvania and the United States of America.

B. Prepare and present a budget to City Council in accordance with the provisions of this Charter.

C. Inform City Council and the public each January of the financial and general condition of the City.

D. Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.

E. Prepare and submit, to City Council, on an annual basis a five (5) year financial plan and budget.

F. Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City.

G. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.

H. Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees.

I. Ensure that all laws, provisions of this Charter and acts of City Council are faithfully executed.

J. Be responsible for the establishment and development of the administrative policy.

K. Be present or represented at all regular City council meetings. The Mayor may participate in all regular City Council discussions but shall have no vote.

L. Execute all bonds, notes, contracts, and written obligations of the City.

M. Issue subpoenas and compulsory processes, under the official seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Lehigh County.

N. Appoint, suspend or remove any City employee, except as otherwise provided by this Charter or by law, and unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of city government.

O. Perform such other duties and exercise such other powers as stated in this Charter, by law, or ordinance.

### SECTION 309 APPOINTMENT BY THE MAYOR

The Mayor shall appoint:

A. One City Solicitor. Any person so appointed shall hold office unless removed during the term for which the Mayor is elected and until a successor is appointed and qualified. Four (4) affirmative votes of Council, at each Mayor's term, shall be necessary for confirmation. The City Solicitor is required to be reappointed and reconfirmed by the majority of Council and is required to be either a resident of Allentown and/or be a taxpayer prior to their appointment. (11/5/02) The Mayor may also appoint one or more assistant solicitors as are necessary and approved by Council.

B. All Members of Boards, Authorities and Commissions, over which he has the power to appoint. The majority of Council shall be necessary for confirmation, except where otherwise provided by state statute.

### SECTION 310 REMOVALS BY THE MAYOR

The Mayor may remove from office anyone appointed pursuant to Section 309, unless otherwise provided by law.

### SECTION 311 DEPUTY MAYOR

Upon taking office, the Mayor shall designate a department head or elected City official who shall serve as Deputy Mayor, in the event of the Mayor's temporary disability or absence from the City. The Mayor may change his designation from time to time. The Deputy Mayor shall exercise all the duties of the Mayor, except the power of appointment or removal from office.

## ARTICLE IV
## CITY CONTROLLER

### SECTION 401 ELECTION AND TERMS

The election of the City Controller shall be held in municipal elections in the manner provided by law. The term of office of the City Controller shall be four (4) years commencing the first Monday in January after the election.

### SECTION 402 ELIGIBILITY

The candidate for City Controller shall be a registered voter of the City and shall continue to reside in the City throughout the term of office. The City Controller elected at the first election under this Charter shall receive an annual salary of $49,892. All future increases or decreases in the City Controller's salary shall be by referendum.

### SECTION 403 RESPONSIBILITY

The City Controller shall:

A. Have financial oversight of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council and City Boards, Commissions and Agencies;

B. Review the Annual Budget before approval by City Council, and make nonbinding recommendations to the Mayor and to City Council for consideration, if he or she deems it necessary;

C. Be present or represented at all Council meetings;

D. Perform specific audits of City finances from time to time as requested by the Mayor or by City Council;

E. Report, to the Mayor and to City Council, on the progress of the implementation of any recommendations as found in the Annual Audit and Management Letter;

F. Assist in all audits conducted by independent auditors;

G. Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations;

H. Furnish to City Council, the Mayor, and others, as appropriate, periodic reports of audits conducted;

I. Interpret and communicate audit policies and procedures to all City management and staff;

J. Direct internal financial security and loss investigation activities;

K. Prepare an annual budget for the office of City Controller and operate the office of City Controller within approved budget limitations; and

L. Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Controller.

### SECTION 404 FORFEITURE OF OFFICE

The City Controller shall forfeit that office if the City Controller:

A. Lacks, at any time during term of office, for which any qualification for the office prescribed by this Charter or by law;

B. Violates any express prohibition of the Charter; or

C. Is convicted of any crime classified as a misdemeanor of the second or degree higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

In all cases of forfeiture, the City Controller shall be entitled to notice and a hearing in accordance with the administrative procedures to be established by Council.

### SECTION 405 VACANCY

A. If the office of the City Controller becomes vacant for any reason, Council shall appoint an interim City Controller, of the same political party, who shall serve until the next Municipal Election.

B. A vacancy in the office of the City Controller 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 City Controller and shall serve the remaining portion of the vacated term.

### SECTION 406 PROHIBITIONS

A. The City Controller shall not hold any compensated appointive City office or City employment during the term of office for which the City Controller was elected.

B. The City Controller shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.

C. The City Controller shall not hold any compensated appointed City office or City employment until one (1) year after the expiration of the term for which the City Controller was elected.

D. The City Controller shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the City Controller was elected.

E. A City Controller 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 City Controller who willfully conceals any such 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.

## ARTICLE V
## ADMINISTRATION

### SECTION 501 ADMINISTRATIVE CODE

The Administrative Code shall be made a part of the Codified Ordinances. City Council shall enact, and from time to time, may amend the Administrative Code, which shall set forth in detail the organization and administrative structure and procedures of the City, including:

A. A specific enumeration of departments, offices and agencies and the division of powers and responsibilities among them;

B. The internal procedures for the operation of the departments, offices and agencies; and

C. Any other rules, regulations and procedures reasonably appropriate for efficient administration.

### SECTION 502 COMMON ADMINISTRATIVE PROCEDURES

City Council shall have the power, by ordinance, to adopt uniform administrative procedures, regulations and forms to be followed by all elected officials, departments, offices and agencies.

### SECTION 503 HEADS OF DEPARTMENTS, OFFICES AND AGENCIES

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.

B. Removal: The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Mayor's direction and supervision, but the Mayor shall, within fourteen (14) days, notify, in writing, City Council of the removal and the reason for it.

### SECTION 504 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.

### SECTION 505 PROHIBITIONS

A. 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.

B. 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 willfully 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.

C. 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.

### SECTION 506 DEPARTMENT OF PUBLIC WORKS/CITY ENGINEER

The Department of Public Works is mandated by this Charter. The Mayor shall appoint and fix the compensation of the head of the Department of Public Works/City Engineer. He or she shall perform the duties required through the Administrative Code or other action, or as may be required of a City Engineer by general law.

### SECTION 507 DEPARTMENT OF FINANCE

There shall be a Department of Finance which is established for the purpose of creating a unified City accounting system. A Director of Finance shall be appointed by the Mayor with confirmation of Council. The Director of Finance shall be responsible for the administration of activities that include:

A. The receipt, expenditure, accounting, investment, custody and control of municipal funds and assets, including the budget (both operating and capital);

B. Financial accounting, which shall be conducted according to generally accepted accounting principles;

C. Investments and insurance;

D. Payroll;

E. Pension administration;

F. Materials management;

G. All other financial matters that may arise.

## ARTICLE VI
## PERSONNEL SYSTEM

### SECTION 601 JOB DISCRIMINATION

No individual shall be discriminated against with respect to any position or office because of age, gender, race, creed, handicap, color, religion, ancestry, veteran's status, national origin, sexual orientation, political opinions or affiliations or lawful activity in any employee organization.

## SECTION 602 PERSONNEL SYSTEM

Each elected official, officer and employee of the City shall be a member of either the career or exempt service.

A. The exempt service shall consist of:

1. All elected officials;
2. The City Solicitor;
3. The heads of departments, offices and agencies immediately under the direction and supervision of the Mayor;
4. The City Clerk;
5. The members of authorities, boards and commissions;
6. Temporary, part-time or seasonal employees;

B. All other officers and employees shall be members of the career service.

C. Merit Personnel System: There shall be a merit personnel system, the purpose of which shall be to require that all personnel decisions be made solely on the basis of merit and qualifications, applicable to all employees. Any appointment, promotion, transfer, demotion, suspension, dismissal or disciplinary action shall be carried out in accordance with the merit personnel system.

## SECTION 603 PERSONNEL CODE

Within six (6) months of the effective date of this Charter or other applicable law and as a part of the Allentown City Code, City Council shall enact, and from time to time, may amend the Personnel Code for all City employees. It shall be the goal of the Personnel Code to provide for merit selection for all applicable positions; establish well-defined job descriptions with salaries to be reviewed on a regular basis; provide for fair and objective annual employee evaluations; provide equal access to employee training; and promotion from within the career service. The Personnel Code shall include, but not be limited to, the following:

A. Classification of all City positions based on the duties, authority and responsibility of each position with adequate provisions for reclassification of any position when needed;

B. Well-defined job descriptions for all City positions;

C. Well-defined provisions for salary, fringe benefits, such as sick and vacation leave, holidays, overtime and salary administration, including a uniform pay plan for all City positions;

D. Procedures concerning the substance, procedure and enforcement of a merit personnel system, including fair and objective annual employee evaluations;

E. Procedures for the recruitment, selection, training and development of personnel, based solely on merit and qualifications;

F. Procedures for advancement based on merit and qualifications with emphasis on promotion from within the career service;

G. Procedures concerning the discipline and discharge of personnel, including reduction in force;

H. Procedures providing for in-house training programs for personnel;

I. Procedures for those holding provisional appointments;

J. Procedures establishing grievance procedures, with final hearings on such grievance to be held by the Mayor;

K. Procedures governing relationship with employee organizations; and

L. Any other procedures necessary for the administration of personnel.

## SECTION 604 COLLECTIVE BARGAINING AGREEMENTS

No personnel procedures or policies established under the provisions of this Charter shall conflict with acts of the General Assembly providing for collective bargaining and labor agreement administration. Nothing in this Charter or any ordinances passed by City Council shall interfere with any lawful collective bargaining agreement entered into between the City and representatives of its employees.

## SECTION 605 DEPARTMENT OF HUMAN RESOURCES

There shall be a Department of Human Resources. A director of the Department of Human Resources shall be appointed by the Mayor. The Director of Human Resources shall be responsible for administering the Department of Human Resources and administering the personnel system on the merit principles described in this Charter and promulgated by City Council as a part of the Personnel Code or otherwise.

### 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. 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.* (11/5/02)

### SECTION 607 POLITICAL ACTIVITY

All employees are prohibited from engaging in any form of political activity during regular work hours and are prohibited from using city facilities or property for any political activity. Violation of this section will warrant discharge or other discipline under the provisions of the Personnel Code.

## ARTICLE VII
## CITY SOLICITOR

### SECTION 701 QUALIFICATIONS AND RESPONSIBILITIES

A. The Mayor shall appoint a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as Head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council and all City departments and agencies; and, shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one (1) person shall be the legal advisor of the City except as may be otherwise required by law.

B. The Mayor shall have the power, if needed, to engage other temporary Solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific legal matters.

## ARTICLE VIII
## FINANCIAL PROCEDURES

### SECTION 801 FISCAL YEAR

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

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

On or before ninety (90) days prior to the ensuing fiscal year, the Department 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.(15543 6/20/2019)

### SECTION 803 BUDGET MESSAGE

The Budget shall be accompanied by a message which shall include:

A. An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.

B. An outline of proposed programs and an explanation of new, expanded or abolished programs or functions.

C. A summary of the City's debt position.

D. Such other material, as required by Council that will inform the Council and the public of municipal goals.

### SECTION 804 BUDGET

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all Generally Accepted Accounting Principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The Budget shall contain, among other things, the following:

A. It shall begin with a general summary of its contents.

B. It shall show, in detail, all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

D. It shall show the number of proposed employees in every job classification.

E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four (4) fiscal years.

F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate Capital Program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.

H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility, i.e., water, sewer and enterprise funds, owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

## SECTION 805 CITY COUNCIL ACTION ON BUDGET

*A.* ***Public Access to Budget****:* The proposed budget shall be available for public inspection at City Hall and at the Allentown Public Library and the Lehigh County Law Library, and copies shall be available for the public at a reasonable fee to be set by the Council. (11/6/01)

B. **Amendment Before Adoption**. After the public hearing, the City Council may adopt the budget with or without amendments. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended Budget increases, decreases or readjusts funding requirements by more than five (5%) percent, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three (3) normal City work days.

Council shall provide for another public hearing to be held within five (5) days after the Mayor has resubmitted the Budget.

C. **Adoption**. Council and the Administration must adopt an annual budget by no later than December 31st of the fiscal year currently ending. See this Charter, Sections 219 and 221for discussion of effective dates. (15544 6/20/2019)

## SECTION 806 REVISED BUDGET (Deleted per ballot question 11/6/01)

## SECTION 807 REVENUE

A. Council shall establish no new tax except for the Emergency and Municipal Service Tax. (14356 §1 2/2/06)

B. Council shall not raise the rates of the deed transfer, earned income, business privilege, the Emergency and Municipal Services Tax beyond $52, amusement devices, and resident taxes above their respective 1996 levels. (5/16/06)

C. Property Development Incentive Taxation System

1. Beginning in 1997, the City of Allentown will adopt a property taxation system designed to encourage development of new properties and improvements to existing properties. The system will accomplish this by gradually reducing the tax rate applied to all buildings relative to the tax rate applied to all land (whether developed or undeveloped).

2. The following shall be the minimum ratios of the land tax rate to the building rate for the respective years:

| | |
|---|---|
| 1997 | 1.49 |
| 1998 | 2.06 |
| 1999 | 2.76 |
| 2000 | 3.62 |
| 2001 and beyond | 4.70 |

3. Council may establish a ratio of the land tax rate to the building tax rate higher than 4.70 after 2001.

D. Council may reduce any tax rate or fee (provided it maintains the minimum ratios for property taxes as in Section 807(C)(2) by a majority vote. Council may increase property tax rates or fees (provided it maintains the minimum ratios for property taxes as in Section 807(C)(2) by four (4) votes. (15544 June 20,2019)

E. The citizens of Allentown may increase or decrease property tax rates through the referendum process defined in Sections 1002-1009 (provided that, as long as the Property Development Incentive Taxation System is in effect, the resulting ratio meets or exceeds the minimum ratio set by this Charter or by Council).

F. After the year 2001, the citizens of Allentown may amend or terminate the Property Development Incentive Taxation System by reducing the ratio of the land tax rate to the building tax rate or by reverting to a single tax rate for land and buildings through the referendum process defined in Sections 1002-1009.

## SECTION 808 AMENDMENTS AFTER ADOPTION

A. Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 220 of this Charter.

B. Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the Budget.

C. Transfer of appropriations may be made in accordance with provisions of the Administrative Code.

## SECTION 809 LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a Capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

## SECTION 810 ADMINISTRATION OF THE BUDGET AND CAPITAL PLAN

The Mayor shall be responsible for and shall supervise the administration of the Annual and Capital Budgets.

## SECTION 811 CAPITAL PLAN

A. Submission to City Council. The Mayor shall prepare and submit to the City Council a five (5) year capital program no later than the final date for submission of the budget.

B. Contents of Capital Plan. The capital plan shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
3. Cost estimates and recommended time schedules for each improvements or other capital expenditure;
4. Method of financing, upon which each capital expenditure is to be reliant;
5. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
6. All Capital Projects must be included in the Capital Plan Budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

C. Financing Capital Projects. Financing for Capital Projects shall be obtained by Competitive Bidding.

D. Capital Projects Approved. Proposed Capital Projects in the Capital Plan must be considered on their own individual merits by the Director of Finance, the City Controller, and the Proposer of the project. The procedures to approve the individual Capital Projects are:

1. **Preliminary Feasibility Study**

The Capital Project preliminary feasibility study shall include:

a. A clear general summary of its purpose and justification.
b. The cost estimates and time schedule for the Capital Project including the cost of the Post Project Completion Audit.
c. The method of financing and sources upon which this Capital Project is reliant.
d. The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of Capital Projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

2. **Final Proposal and Financing**

The Final Capital Project proposal and financing shall include:

a. A clear general summary of its purpose and justification.
b. The cost estimates and time schedule for the Capital Project including the cost of the Post Project Completion Audit.
c. The method of financing and sources upon which this Capital Project is reliant.
d. The annual cost of operating and maintaining the project to be constructed or acquired.
e. This final Capital Project Proposal will be published and made available for the public to review. Capital Project replaces Capital Program. The final Council approval of Capital Projects will require five (5) votes to approve.

3. **Capital Project Reporting**

a. Current Projects. All Capital Projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Director of Finance and the Project Manager to the City Council in such a form that it is available to the public.
b. Extended Projects. If commencement of a Capital Project does not begin by end of the fiscal year, following the year in which final approval is obtained, the project must go through Section 811(D)(1) and (2).

4. **Post Project Completion Audit.** Following completion of the Capital project, a complete and detailed audit must be published and made available to the public. This Post Audit is to be completed by an independent auditor appointed by the Council. The purpose of the Post Audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

## SECTION 812 CITY COUNCIL ACTION ON CAPITAL PLAN

*A. Public Access to Capital Plan:* The proposed Capital Plan shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council. (11/6/01)

B. Adoption. Council must adopt an annual Capital Plan, with or without amendment, no later than December 15th of the fiscal year, currently ending. If Council fails to adopt a Capital Plan by December 15th then the Mayor's original Capital Plan shall become the official Capital Plan of the City for the ensuing fiscal year.

## SECTION 813 PUBLIC RECORDS

Copies of the budget, capital plan and appropriation and revenue ordinances shall be public records and shall be made available to the public at City Hall and at the Allentown Public Library.

## SECTION 814 INDEPENDENT AUDIT

The Council shall provide for an annual independent audit to be completed and submitted to the Mayor within one hundred eighty (180) days of the close of the fiscal year. It shall include City receipts, expenditures, accounts and reports by a Pennsylvania Certified Public Accountant or a Certified Public Accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the City or any of its elected or appointed personnel. The Council may provide for more frequent audits at its discretion. Within thirty (30) days of completion, the Mayor shall present to the Council, the results of the annual audit and a financial statement of the fiscal affairs of the City, with the results of the independent auditor's survey of internal control and any recommendations thereon. The evaluation of the internal control shall take the form of a Management Letter. This Management Letter shall be submitted to the City Council after every audit. A summary of the annual audit of the independent auditor shall be published at least once in one or more newspapers of general circulation in the City within thirty (30) days after submission to the Mayor. The annual audit shall be conducted in accordance with generally accepted auditing standards. The financial report shall be prepared in accordance with generally accepted accounting principles, and shall include a balance sheet for each fund, and on a consolidated fund basis reflecting all current assets, current liabilities and fund balances. The Council shall designate such accountant or firm annually or for a period not exceeding three (3) years. Such accountant or firm shall not serve for more than six (6) consecutive years.

## Section 815 BIDDING PROCESS

A Competition Principle

All purchases of materials, supplies, equipment and services by the City government shall be made through competitive processes, with evidence available to demonstrate broad solicitation of suppliers and opportunities for participation in the acquisition process; and the value received for the money paid.

B Competitive Policies Code

Consistent with applicable Federal and State laws, the Council shall adopt and may amend, by Ordinance, a Code for the establishment, regulation, and maintenance of a competition system, governing the policies necessary to effectively administer a system of competitive purchasing for the City government. This code may include but is not limited to: 1) establishing varied procedures for types of services or materials to be acquired; 2) setting the dollar limits which would require: a) verbal solicitation of price quotes with a written record; b) written price quotes after informal solicitation; and c) formal public solicitation of written price quotes after public advertising; 3) establishing procedures for determining sole source contract awards; 4) policies regarding minority or local resident preference; and 5) policies and procedures to encourage the use of contemporary purchasing techniques such as reverse auctioning and electronic commerce. (14601 §1 7/17/08)

## ARTICLE IX
## AUTHORITIES, BOARDS AND COMMISSIONS
### SECTION 901 ESTABLISHMENT

A. City Council shall encourage the participation of citizens in their government through the establishment of authorities, boards, and commissions to carry out City business. Such authorities, boards and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City ordinance or state or federal code.

B. City Council may not change the powers or authority of any authority, board or commission except by ordinance.

C. City Council may, by ordinance, abolish any authority, board or commission not established by state or federal mandate or by this Charter.

D. All authorities created by Council have the responsibility to provide an annual report to Council of their finances and their programs.

### SECTION 902 MEMBERSHIP

A. Appointments. City Council shall approve all appointments for each authority, board and commission, except as otherwise required by State Law. Broad citizen participation shall be encouraged in recruiting appointees and making appointments.

B. Vacancies. Any vacancy caused by death or resignation shall be filled promptly pursuant to the procedure set forth in Section 309(b). The person so appointed shall serve for the unexpired term of the person vacating such position.

C. Qualifications. As a general rule, members of authorities, boards and commissions shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve.

## ARTICLE X
## CITIZENS' RIGHTS AND PARTICIPATION
### SECTION 1001 GENERAL PROVISIONS

The Council shall protect and promote the rights of the citizens of the City of Allentown to participate in a positive and constructive manner in the government of the City. Any citizen of the City may participate in the government of the City by:

A. Seeking elective office of the City as prescribed by this Charter and voting for candidates for elective office;

B. Serving on boards, commission, authorities or other agencies of the City government when requested by the appropriate officials;

C. Attending and being heard at public meetings of the Council and other boards, commissions, authorities and agencies of the City government;

D. Addressing suggestions to the Council and others to provide guidance for their actions;

E. Exercising the right of initiative and referendum as provided in this Charter or as otherwise may be provided by law.

### SECTION 1002 INITIATIVE AND REFERENDUM

A. Initiative. The qualified voters of the City shall have the power to propose ordinances to ~~the~~ Council. If Council fails to adopt *a proposed* ordinance, the initiative process *gives* the qualified voters of the City the opportunity to adopt or reject *the proposed* ordinance at a *primary, municipal or general* election. (11/6/01)

B. Referendum. The qualified voters of the City shall have the power to require reconsideration by Council of any adopted ordinance. If Council fails to repeal an ordinance, the Referendum process gives the qualified voters of the City the opportunity to approve or reject *the* ordinance at a *primary, municipal or general* election. (11/6/01)

### SECTION 1003
### SECTION 1003 INITIATIVE AND REFERENDUM; PETITIONERS COMMITTEE; AFFIDAVIT

Any five (5) qualified voters of the City may file with the City Clerk an affidavit stating they will constitute the Petitioners Committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed initiative

ordinance or the ordinance sought to be reconsidered. Within five (5) days after the affidavit of the Petitioners Committee is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners.

**SECTION 1004 INITIATIVE AND REFERENDUM; PETITIONS**

A. Number of Signatures. Initiative and referendum petitions must be signed by 2,000 registered voters of the City.

B. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall include the address of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance or the ordinance to be reconsidered. (11/6/01)

C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the proposed ordinance or the ordinance to be reconsidered. (11/6/01)

D. Time for Circulation and Filing Petitions. Petitions must be circulated and signed within sixty-five (65) days after the filing of the affidavit of Petitioners' Committee with the City Clerk. (11/6/01)

**SECTION 1005 INITIATIVE AND REFERENDUM; PROCEDURE AFTER FILING**

A. Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once. The Petitioners' Committee may file a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Subsection (B) and (C) of Section 1004, and within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under Subsection (b) of this section within the time required, the City Clerk shall promptly present their certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. (11/06/01)

B. Council Review. If a petition has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Committee may, within five (5) days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and ~~the~~ Council's determination shall then be a final determination as to the sufficiency of the petition. (11/06/01)

C. Court Review; New Petition. A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

**SECTION 1006**
**REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE** (Section repealed by referendum on 11/6/01)

**SECTION 1007 INITIATIVE AND REFERENDUM; ACTION ON PETITIONS**

A. Action by Council. When an initiative or referendum petition has been finally determined sufficient, Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the specified ordinance. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the ordinance under consideration within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City. (11/6/01)

B. Submission to Voters. The question shall be placed on the ballot at the next primary, municipal or general election occurring at least ninety (90) days after final Council action. Copies of the proposed and the ordinance to be reconsidered shall be made available to the public during regular business hours at City Hall and at the Allentown Public Library. (11/06/01)

C. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at

least four (4) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated.

**SECTION 1008 INITIATIVE AND REFERENDUM; RESULTS OF ELECTION**

A. Initiative. If a majority of the qualified voters vote in favor of a proposed initiative, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum. If a majority of the qualified voters vote for the repeal of a referred ordinance, it shall be considered repealed upon certification of the election.

**SECTION 1009 INITIATIVE AND REFERENDUM; LIMITATIONS**

A. Default of Initiative and Referendum. Any proposed initiative or reconsidered ordinance which is rejected by the qualified voters in an election cannot be resubmitted for initiative and referendum for a period of two (2) years from the date of the election where the ordinance was defeated. (11/6/01)

B. Repeal or Modification of Initiative and Referendum by Council. The Council shall take no action to repeal or modify substantively an ordinance adopted or repealed by referendum within a period of two (2) years from the date of the election at which the ordinance was approved, or until the January following a municipal election if the initiative was adopted by Council. (11/06/01)

C. Limit on the Number of Initiative and Referendum. No more than two (2) initiative and two (2) referendum measures may be placed on the ballot at any primary, municipal or general election. The first two (2) initiative and two (2) referendum measures which are filed with the City Clerk will be the only ones allowed on the ballot.

**SECTION 1010**
**CITIZENS' RIGHT TO PLACE AN ITEM ON THE CITY COUNCIL AGENDA**

A. The qualified voters of the City of Allentown, upon receipt of a petition by the City Clerk, may enter one agenda item on the regular agenda of City Council.

B. The petition filed with the City Clerk must contain the signatures and addresses of thirty-five (35) registered qualified voters of the City, and the item to be placed on the agenda of City Council for discussion/consideration before Council. Upon receipt of such petition and a two (2) day review/certification period of the petition by the City Clerk, the President of City Council must include the item on the agenda at the next regularly scheduled meeting of City Council.

**SECTION 1011**
**CITIZENS' RIGHT TO CALL A SPECIAL MEETING OF CITY COUNCIL**

A. The qualified voters of the City of Allentown, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.

B. The petition filed with the City Clerk must contain the signatures and addresses of two hundred (200) registered voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a two (2) day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within fourteen (14) days of the certification.

C. The public notification process will adhere to the special meetings provisions of this Charter.

**ARTICLE XI**
**GENERAL PROVISIONS**
**SECTION 1101**
**CONFLICT OF INTEREST AND CODE OF ETHICS**

A. Conflicts of Interest. The use of public office for private gain is prohibited. No elected official, officer or employee shall:

1. Act in an official capacity on matters in which the employee or official has a private financial capacity, on matters in which the employee or official has a private financial interest clearly separate from that of the general public;

2. Accept gifts and other things of value in return for a favorable decision or vote. In all cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift;
3. Act in a private capacity on matters dealt with as a public official or employee;
4. Use confidential information for personal gain;
5. Appear before City departments, offices and agencies on behalf of private interests.

B. Code of Ethics. As a part of the Administrative Code, City Council shall adopt and enact a City Code of Ethics within one (1) year of the effective date of this Charter which shall apply to all elected officials, officers and employees. The Code of Ethics shall adopt regulations implementing the conflict of interest provision set forth above, shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters, and insofar as permissible under state law, provide for fines and imprisonment for violations.

C. Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five (5) City residents holding terms of three (3) years, to administer and enforce the conflict of interest provision of this Charter (Section 1101) and the prohibition sections of this Charter. No member of the Board may hold elective or City office in the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate reasonably sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

### SECTION 1102 PROHIBITIONS

A. Activities Prohibited

1. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

2. No person who seeks appointment or promotion to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

3. No elected City official shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee.

B. Penalties. Any person found in violation of this section, by the Board of Ethics, and confirmed by Council, shall immediately forfeit his or her office or position. City Council shall establish, by ordinances, such further penalties as it may deem appropriate.

### SECTION 1103 AMENDMENTS

The Charter shall be amended by:

A. The citizens of the City through the initiative and referendum process provided by this Charter in Sections 1002 through 1009;

B. City Council through referendum; or

C. A Government Study Commission by amendments being placed on the ballot in accordance with the Home Rule Charter and Optional Plans Law, 53 P.S. §§1-101 et seq..

## ARTICLE XII
## TRANSITION

### SECTION 1201 PURPOSE OF ARTICLE

The purpose of this Article is to establish an orderly procedure for the transition to the new form of government provided by this Charter. The provisions of this Article address the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this Article shall constitute temporary exceptions.

## SECTION 1202 EFFECTIVE DATE

This Charter shall be submitted to the voters at the primary election of 1996, and if adopted, shall take effect on the first Monday of January 1997. However, to the extent necessary to comply with the other provisions of this Article governing the period between the date of adoption and the effective date of this Charter, this Charter shall be implemented upon the date of adoption.

## SECTION 1203 INITIAL ELECTIONS

A. 1997 Election. The following elected officials shall be nominated at the primary election, in May 1997, and shall be elected at the municipal election in November 1997 for the following terms:

1. One Mayor, for a term of four (4) years;
2. Four (4) members of City Council, for a term of four (4) years.
3. The three remaining members of City Council shall be elected at the municipal election in November, 1999, for a term of four (4) years.

B. Vacancy. If any of the elected offices becomes vacant between the time this Charter is effective and January 1, 1999, such vacancy shall be filled as provided for in this Charter.

## SECTION 1204
## INITIAL SALARIES OF ELECTED OFFICIALS

The Members of City Council elected at the municipal election of 1997 shall be initially compensated at the annual salaries set forth in Article II. These salaries of elected officials shall continue until changed in accordance with this Charter.

## SECTION 1205
## CONTINUATION OF BOARDS AND COMMISSIONS

All board and commissions established for or under the authority of the City before the effective date of this Charter shall continue to exist and operate unless abolished by this Charter or by ordinance of City Council. Members of the boards and commissions existing on the effective date of this Charter and not abolished by its provisions shall remain in officer for as long as their respective terms continue or until the status of their respective boards or commission shall be altered by City Council. Vacancies in the membership of such boards and commissions shall be filled in accordance with this Charter.

## SECTION 1206
## SPECIFIC TRANSFER OF FUNCTIONS

The duties, functions and powers assigned by law and not inconsistent with this Charter are hereby transferred to City Council or to the Mayor in accordance with this Charter. If a department, office or agency is abolished by this Charter, its functions, powers and duties shall be transferred to the department, office or agency designated by the Charter or, if the Charter makes no such provision, as designated by ordinance. All departments, offices and agencies shall continue until abolished or modified.

## SECTION 1207 PERSONNEL

A. Charter Effect on Employees. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary, tenure, residency, retirement or pension benefits; employments; leave with pay; or, other personal rights. Nothing in this Charter shall diminish the rights and privileges of any former employees in their pension or retirement benefits.

B. Exemption from Competitive Tests. Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel system provided for in this Charter.

C. Personnel Action. Until approval by City Council of the Personnel Code required by Section 603, the Mayor shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions, except additions to the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. Copies of all such directives shall be forwarded by the Mayor to City Council within twenty-four (24) hours after being issued.

## SECTION 1208 1997 BUDGET

The City Council in office in 1996 shall prepare and adopt in 1996, the budget for 1997, complying insofar as possible with the provisions of this Charter. This shall in no way limit the power of City Council taking office on the first Monday of January 1997 to revise the 1997 Budget as authorized by law and by this Charter.

**SECTION 1209 LEGAL CONTINUITY**

A. **City Laws**. All City ordinances, resolutions, rules and regulations which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

B. **Legal Actions**. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.

C. **Property, Records and Equipment**. All property, records and equipment of any agency existing on the effective date of this Charter shall be transferred to the agency assuming its powers and duties; but, in the event that the powers and duties are to be discontinued or divided between agencies, or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more agencies designated by City Council in accordance with this Charter.

**SECTION 1210**
**TEMPORARY ORDINANCE**

In order to effect the transition of government under this Charter, City Council shall have the power to enact temporary ordinances. A temporary ordinance may be introduced and passed at any regular meeting of City Council during the three month period following the effective date of this Charter. It shall become effective immediately after passage and shall automatically stand repealed at the end of six (6) months after the effective date of this Charter. A temporary ordinance shall not be renewed or otherwise continued except as in the manner prescribed by this Charter for the regular consideration and adoption of ordinances.

**SECTION 1211 MANDATORY ACTS**

Within six (6) months after the effective date of this Charter, City Council and the Mayor shall adopt or enact the codes mandated by this Charter.

**SECTION 1212**
**TRANSITION COMMITTEE**

A. **Establishment and Powers**. On or before January 1, 1997, there shall be a Transition Committee established consisting of five (5) persons to facilitate the transition from the existing form of government to the form of government established by this Charter. The Transition Committee may draft necessary ordinances, rules and regulations, including the Administrative, Fiscal and Personnel Codes in order that they may be adopted on or after the effective date of this Charter.

B. **Membership**. The Transition Committee shall include:

1. The current Mayor;
2. One Member of current City Council;
3. Three (3) Members of the Allentown City Government Study Commission, said members to be selected by the Chairperson of the Commission;

C. **Vacancies**. Any vacancy on the Transition Committee shall be filled by a majority of the remaining Members of the Transition Committee.

D. **Compensation**. The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.

**The Government Study Commission was composed of the following members.**

**David K. Bausch, Chairperson**

**Louis T. Belletieri** **Dennis J. Cramsey** **Abraham A. Joseph**
**Elizabeth Kapo** **Wayne Stephens** **Patrick Toomey**
**Thomas Bennis (participated as an alternative for Wayne Stephens)**

I hereby certify that this is a copy of the Home Rule Charter as adopted by the Allentown voters on April 23, 1996; and amended on May 20 and November 4, 1997; May 18,1999; November 6, 2001; November 5, 2002; May 16, 2006; November 4, 2008, November 7, 2017 and November 5, 2019.

Michael P. Hanlon, City Clerk

## EDITORIAL NOTES

Since the adoption of the Charter, the following questions have been proposed as amendments. The adopted amendments have been incorporated into the Charter.

**DELETION OF THE LAND VALUE TAX**: Shall Section 807, Home Rule Charter, Revenue, be amended to delete Sections C, E and F, in effect deleting the Property Development Incentive Taxation System, commonly known as the Land Value Tax. (Defeated May 20, 1997 - 3,955 to 4,941)

**INCREASE OF BIDDING LIMITS**: Shall Section 815, Bidding Process, of the Home Rule Charter, be amended to increase the bidding limits for the purchase of goods or services (excluding personal or professional services) from Ten Thousand ($10,000) Dollars to Twenty Thousand ($20,000) Dollars and the purchase of personal or professional services (excluding those related to public debt offerings or other borrowing) to Twenty Thousand ($20,000) Dollars? (Approved May 20, 1997 - 4,340 to 3,708)

**EMERGENCY PURCHASES**: Shall Section 815, Bidding Process, of the Home Rule Charter, be amended to allow for Emergency Purchases of Goods, Equipment or Services? An emergency purchase shall mean a purchase necessary for the public safety or to avoid a significant financial loss to the City. (Approved May 20, 1997 - 4969 to 3231)

**LOCAL PREFERENCE:** Shall Section 815, Bidding Process, of the Home Rule Charter, be amended to include a five (5%) percent local resident preference for resident businesses or products either manufactured in Allentown or manufactured by entities headquartered in Allentown, but the preference is not to exceed $2,500 in awarding bids? A Resident Business means one which maintains its principal place of business in the City of Allentown or maintains an office which employs at least five (5) employees in the City of Allentown. (Approved November 4, 1997- 7,957 to 3,371)

**VOTES REQUIRED BY COUNCIL TO INCREASE TAXES AND FEES:** Shall Section 8O7, D, Revenue, be amended to require five out of seven (rather than a majority plus two as in the original charter) Councilpersons to increase taxes and fees? (Approved, May 18, 1999 - 4,466 to 2,436)

**COUNCIL AND CONTROLLER SOLICITOR:** Shall Section 701 be amended so that City Council and the City Controller shall each have the power to independently obtain a specific legal opinion provided there is an appropriation from City Council, instead of receiving such legal services from the City Solicitor? (Defeated, November 2, 1999- 4,092 to 4,339)

**COUNCIL MEETINGS:** Shall Section 212 (B) be amended to allow City Council to cancel one of its required two meetings per month in Council determines that the meeting is not necessary due to a lack of business? (Passed November 6, 2001- 6,864 to 3,429)

**MAYOR'S BUDGET VETO:** Shall Section 221 be amended so that the Mayor has five days rather than ten days to approve, veto or take no action on the budget or levy ordinances. (Passed November 6, 2001- 6,810 to 3,437)

**INITIATIVE/REFERENDUM CLARIFICATION:** Shall Article X be amended to clarify the initiative and referendum process, to prevent the filing of a petition for referendum on an ordinance from suspending the effect of an ordinance before voters approve the referendum, and to change the time limit as to how long City Council must wait before it repeals or substantively modifies an ordinance it adopted pursuant to initiative? (Passed November 6, 2001- 5,678 to 3,683)

**COUNCIL OPENING BUDGET:** Shall Section 806 be deleted in it's entirety so that City Council may not revise a budget and reduce tax levies in the year following an election? (Passed November 6, 2001- 5,152 to 4,652)

**ADVERTISING REQUIREMENTS:** Shall Section 805 and 812 be amended to delete the advertising requirements, in effect, allowing the City to follow only state law requirements? (Passed November 6, 2001- 5,626 to 4,185)

**SOLICITOR'S QUALIFICATION:** Shall Section 309(A) and 606 be amended to provide that the City Solicitor shall be either a resident or taxpayer of the City of Allentown prior to his or her appointment. (Passed November 5, 2002, 8,155- to 7,703)

**TAX AND FEE AUTHORITY OF CITY COUNCIL:** Shall sub-sections A and B of Section 807 of the Home Rule Charter be deleted to remove the restriction against Council establishing a new tax and allow Council to raise rates of the deed transfer, earned income, business privilege, occupational privilege, amusement devices and resident taxes above their respective 1996 levels? (Failed November 5, 2002; 2,510 to 13,559)

**VOTES ON FEES AND TAXES:** Shall Sections 807(D) be amended to provide that Council many increase any tax or fee by a vote of four rather than five? (Failed November 5, 2002; 1,644 to 14,685)

**COMPENSATION FOR COUNCIL:** Shall Section 204 be amended to allow an increase in Council's salary by ordinance provided that it shall not exceed one-half the salary for the entry wage in the lowest pay level of an occupied full time position.(Failed, November 5, 2002; 3,114 to 12,678)

**REPEALING EMPLOYMENT PROHIBITION:** Shall Sections 209 and 406 be amended to delete the sections prohibiting Council and the controller from holding any compensated appointive office or employment until one year after their resignation or expiration of term of office? (Failed, November 5, 2002; 3,873 to 11,577)

**FISCAL YEAR:** Shall Section 801(d) be amended to allow Council to designate a different fiscal year? (Failed, November 5, 2002; 5,502 to 9,766)

**REALITY TRANSFER TAX** Shall Section 807(B), Revenue, be amended to allow Council, by Ordinance, to increase the Realty Transfer Tax? (Failed, November 2, 2004, 5,929 to 12,195)

**EMERGENCY AND MUNICIPAL SERVICE TAX** Shall section 807 of the Home Rule Charter be amended by replacing the provision permitting an OP Tax of $10 with a provision permitting the imposition of a $52 EMST? (Failed, November 2005, 4,211 to 8,041)

**REALITY TRANSFER TAX** Shall Section 807(B), Revenue, be amended to allow Council, by Ordinance, to increase the Realty Transfer Tax up to an additional 1%? (Failed, November 2005, 3,660 to 8,881)

**EMERGENCY AND MUNICIPAL SERVICE TAX** Shall section 807 of the Home Rule Charter be amended by replacing the provision permitting an OP Tax of $10 with a provision permitting the imposition of a $52 EMST? (Passed, May 2006, 6,304 to 2,009)

**BIDDINIG PROCESS**: Amending Section 815 of the Charter allowing Council to adopt practices compliant with Federal and State Laws. (Passed, November 4, 2008, 19,758 – 14,592).

**TERM LIMITS FOR MAYOR**: 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. (Passed, 15377 6/21/2017 – Adopted November 2018, 8,170 to 3,205)

**BUDGET SUBMISSION**: Changes the submission date of the budget 75 days prior to the ensuing year rather than 65 days. (Passed 15543 6/20/2019 – Adopted November 5, 2019 - 8,424 to 1,640)

**ADOPTION, DEFAULT AND VOTING REQUIRED FOR TAX INCREASES AND FEES:** Removes the budget default process (preventing a tax increase from going into effect by default), requires adoption of the budget by December 31st with an affirmative vote of four members of council and approval by the Mayor. (Passed15544 6/20/2019 – Adopted November 5, 2019; Section 805 changes - 8,982 to 965; Section 807D changes – 7,802 to 1,836).