



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, May 31, 2017

6:30 PM

Council Chambers

Call to Order: Council President O'Connell

Present: 6 - Candida Affa, Ray O'Connell, Cynthia Mota, Daryl Hendricks, Julio Guridy, and David McGuire

Excused: 1 - Roger MacLean

15-1306

Bill 5 Committee of Whole, forwarded favorably with amendments DIRECTING THE LEHIGH COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE THE CITY OF ALLENTOWN VOTERS ON THE MAY 16, 2017 PRIMARY ELECTION BALLOT TO AMEND THE CITY OF ALLENTOWN HOME RULE CHARTER TO LIMIT THE TERM OF THE OFFICE OF MAYOR TO TWO (2) TERMS

Sponsors: Mota, MacLean, Hendricks, Affa, O'Connell, Guridy and McGuire

Attachments: [Bill 5 Mayor Term Limits](#)

[Amended Bill 5 - Term Limits](#)

[Bill 5 - Optional Amendments](#)

[Solicitor Memo - Charter Amendment](#)

Mr. Julio Guridy stated that he is happy that this is going on. We wanted to have it in the May primary, but we couldn't because of the \$10,000 estimate cost. He stated that he is looking forward to having this on the ballot in November.

Mr. Ray O'Connell stated that the sponsors of the Bill are all seven of us. Mr. MacLean is not present tonight. He is excused. In view of the foregoing, if City Council should decide to put the question of the November 7, 2017 ballot, it is recommended that the 13th Tuesday rather than the county's 10th Tuesday deadline be used to ensure the time limit. The 13th Tuesday is no later than August 8, 2017. He asked if there were any comments on the actual Bill itself.

Mr. Michael Hanlon read the Options.

Option 1. The Mayor shall be eligible to succeed himself for only one additional term. The Mayor shall be eligible to run for the office after sitting out a complete term of office. 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.

Option 2 The Mayor shall be eligible for two terms only, provided that the terms follow one another. The Mayor shall not be eligible for election for more than two successive terms. 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.

Option 3: 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.

Mr. Ray O'Connell stated that the 22nd Amendment of the United States Constitution involves the President of the United States if he is filling out a term for two and then obviously it could go for two more. For a total of 10, am I correct?

Ms. Susan Wild stated that is correct except the 22nd Amendment provides that if the person filling out the remainder of the unexpired term serves more than two years.

Mr. Michael Hanlon stated that he thought that it would be a municipal election in a two year time period.

Mr. Ray stated that those will be the options and they will be amendments to the Bill.

Mr. Daryl Hendricks stated that this is very timely. It is due to be passed. He urged his colleagues to vote for option #3. It should be a two-term whether it will be consecutive or not. He would favor a two-term limit. A total of eight years, unless it will be a unexpired term.

Mr. Ray O'Connell asked any other comments from the Councilmembers.

Mr. Julio Guridy stated that he was looking at an issue to have consecutive terms only, but in light of the fact that we added that second part and I put in serving the remainder of the unexpired term, I will be fine with this as well.

Mr. Ray O'Connell asked if there were any other questions from the Councilmembers. He stated that he likes Option #3. It could be two consecutive terms or a term that you sit out for four years, you run ago and win again. It is a total of eight years. It could be consecutive or a four year term, sit out for four years and go back for four years. He stated that he would favor Option #3.

Ms. Candida Affa stated that she also favor this. To make it clear, you serve one term. You could be voted out and you can come back and serve another term, but that is it. You can't serve two consecutive terms after you have been in, and voted out.

Mr. Ray O'Connell stated correct. It would be eight years total. You can do eight in a row or four. Or you can do four, go on vacation for four and come back for four more. He asked Ms. Affa if she supports Option #3.

Ms. Cynthia Mota stated that she will also support Option #3, two-terms.

Mr. Ray O'Connell asked Ms. Wild if she had any comments.

Ms. Susan Wild stated that her office has done what we needed.

Mr. Ray O'Connell stated that you did your due diligence.

Mr. Julio Guridy asked if someone serves a year. He retracted the question and stated that he will ask in private.

Mr. Ray O'Connell asked if there were any other questions from Councilmembers. He asked if there were any comments from the public.

Mr. Tom Hahn, 2016 E. Highland Street stated that before any votes are taken on any of the amendments, the public needs to know what the retirement benefits are for Mayors that run two-terms, four-terms, and consecutive terms and what burden that has on the city taxes. What are the financial obligations?

Mr. Michael Hanlon stated that they belong to our pension, PMRS. He stated that it might be nine and involuntarily terminated.

Mr. Ray O'Connell stated for this, but everybody will be grandfathered, obviously. It is 12 years and this will only be eight years.

Mr. Lou Hershman, 405 N. Gilmore Street, stated that in 1996 the Allentown voters adopted Home Rule Charter, Plan A. There are different Home Rule Charters you can adopt, but the voters adopted in 1996, Plan A. Should that be part of the question or are we amending Home Rule Charter, Plan A?

Mr. Ray O'Connell stated that this will be one part of the Charter that will be amended, not the whole package. Between now and next week, we can get the actual verbiage on how we want to do it.

Mr. Hollis Perry, 2244 S. Lumber Street, asked why are we putting in term limits right now. He asked what is the purpose of it. Is it going to save the city money or cost the city money?

Mr. Ray O'Connell stated because we want to change the Charter to have term limits for the Mayor. The Mayor would be grandfathered. It would only take effect after it is passed by Council. The Mayor can veto it or not veto it. That is why we are doing it now. The purpose is to limit the Mayor for two-terms. It could possibly save the city money. We just heard if you are 12 years in the retirement system you are going to get a retirement. If you do eight years you are not eligible for the pension system.

Ms. Susan Wild stated that the cost that was referred to earlier was if it was going to be put on the primary ballot. It would have been separate ballots printed for Independent voters who would not normally.

Mr. Hollis Perry asked if Council had term limits.

Mr. Ray O'Connell stated no.

Mr. Hollis Perry asked how come Council doesn't want to have term limits, but they want the Mayor to have term limits.

Mr. Ray O'Connell stated that Bill 5 is in front of us for term limits for the Mayor. The Mayor can introduce a Bill for term limits for Council and the Controller.

Dr. David McGuire stated that Mr. Perry raised a number of questions. Council doesn't get salaries except for \$6,000 a year. We do not get health benefits, and do not get anything with a pension.

Dr. David McGuire stated that Mr. Perry raised a number of questions. Council doesn't get salaries except for \$6,000 a year. We do not get health benefits, and do not get anything with a pension. The format of this is no different from the federal constitution in which a President gets two-terms and out and a Congressman can get 22 terms. They get pensions and other things. Council in the office does not receive benefits in a normal sense. The Charter change was made in 1996. It is the general feeling among this Council that in retrospect looking at the office, seeing how the city management takes place that all things considered we are like a corporation, we do not want the same executive person. The impact of this doesn't affect anyone currently in office.

Mr. Ray O'Connell asked if there were any other questions from the public.

Ms. Helen Hahn, 2016 E. Highland Street, asked when did it change. When did it go to more than two-terms?

Mr. Ray O'Connell stated that there was no term limit under the Charter. He stated that this Bill addresses it. He asked Ms. Wild if it would be prudent to add Option #3 with the Bill or wait until next week to do that.

Ms. Susan Wild stated that a couple of you have commented on Option #3, but not everyone has.

Mr. Ray O'Connell stated that all the people have, except for Dr. McGuire who did not make a comment and Mr. MacLean is absent.

Dr. David McGuire stated that he did not have anything to add.

Ms. Susan Wild stated that if it is the consensus or the majority of Option #3 is what you are going to go with, I think you should add it tonight for voting next week.

Mr. Ray O'Connell asked Mr. Hanlon to read option #3 again.

Mr. Michael Hanlon read the amendments:

The Bill was introduced on the 18th, not January 4th. As the Council President stated it would be directly to the November 7th ballot, not the May 16th ballot. The suggestion of the Solicitor's office, it would be a section 4 added to the Ordinance that would read: SECTION FOUR: Pursuant to the Home Rule Charter, if adopted by the voters of Allentown, these provisions shall be considered adopted and effective upon certification by the Election Board.

Option 3: 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.

Mr. Ray O'Connell asked Ms. Wild if we can do the amendments by common consent or wait until next week.

Ms. Susan Wild suggested doing it by common consent so you know what you are voting on next week.

Mr. Ray O'Connell asked if we have common consent on the amendments.

All Council present agreed.

ADJOURNED: 6:53 PM