



CITY OF ALLENTOWN

RESOLUTION

R29- 2024

Introduced by City Council on February 21, 2024

City Council hereby determines and concludes that outside the Purchasing Agent neither the Director of Finance nor anyone from the Administration should participate in scoring or be present during the process to select a response to the RFP selecting investigatory services since it is an investigation of the Administration.

Resolved by the Council of the City of Allentown, That

WHEREAS, SECTION 210 Investigations, of the Home Rule Charter states:

- A. In addition to the authority of the City Controller to conduct audits under Section 403D of this Home Rule Charter, 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 and study. [Amended 5-18-2021 (1-6-2021 by Ord. No. 15668)]
- B. The subjects of such investigation, audit or study shall be specifically stated in the authorizing ordinance.

WHEREAS, Allentown City Council passed Bill 87-2023 by a vote of 7-0 and was signed by the Mayor on October 4, 2023, and assigned Ordinance Number 15948: authorizing an investigation by an outside agency into a number of areas noted below and establishing a committee consisting of the Council President (Hendricks at the time of the legislation), Councilperson's Gerlach and Zucal to work with the Purchasing Bureau as authorized in the ordinance to implement the proper procurement procedures; and

Sections of Ordinance 15948:

SECTION ONE. That City Council authorizes an investigation by an outside agency for the purpose of examining procedures related to hiring, terminations and discipline of employees related to allegations made by NAACP and the terminated HR Director in terms of compliance with the personnel code, and all applicable state and federal laws.

SETION TWO: That City Council authorizes an investigation by an outside agency for the purpose of examining all terminations and resignations since January 1, 2022, in terms of their compliance with the personnel code, and all applicable state and federal laws are complied with.

SECTION THREE: The City Council authorizes an investigation by an outside agency for the purpose of reviewing all EEOC complaints, Human Relations Commission complaints or inquires, internal complaints of city employees since January 1, 2022, in terms of their compliance with the personnel code, and all applicable state and federal laws are complied with.

SECTION FOUR: That the outside agency shall have subpoena powers pursuant to powers granted in Section 210 of the City's Home Rule Charter.

SECTION FIVE: That a committee consisting of the Council President, Councilperson's Gerlach and Zucal work with the Purchasing Bureau to implement the proper procurement procedures.

WHEREAS, at a public meeting held on October 4, 2023, and prior to council's vote, the Mayor encouraged and welcomed an investigation; and

WHEREAS, the Purchasing Agent worked with the Councilpersons Gerlach, Hendricks and Zucal to craft and send out a request for proposals; and

WHEREAS, proposals were received; and

WHEREAS, a section of the City Code and Administrative Information Manual require a member of the Finance Department; to wit:

§ 5-21. Contracts.

E. Purchase of Professional Services

(2) The selection process shall be based on the objective criteria contained in the RFP and shall be conducted by a Selection Committee composed of the **Director of Finance**, Department Head, Bureau Manager, and any other staff deemed appropriate.

WHEREAS, an investigation under the provisions of the Charter, Section 210 **Investigations, of the Charter**, has never been initiated; and

WHEREAS, the members of council scoring the proposal find there is an inherent conflict placing the administration or solicitor's office on the selection committee; an agency subject to the investigation should not be participating in the selection – it will have a chilling effect on conversations related to the selection and investigation; and

WHEREAS, maintaining confidentiality is required as noted in confidentiality statements that are signed by all participants in the process that parallels all RFPs.

WHEREAS, Allentown City Council finds these circumstances are unique.

NOW, THEREFORE, BE IT RESOLVED that City Council hereby determines and concludes that outside the Purchasing Agent neither the Director of Finance nor anyone from the Administration should participate in scoring or be present during the process to select a response to the RFP selecting investigatory services since it is an investigation of the Administration.

BE IT ALSO RESOLVED that City Council finds that the scoring committee should consist of the members of council authorized in the ordinance.