



CITY OF ALLENTOWN

No _____

RESOLUTION

R30 - 2024

Introduced by City Council on February 21, 2024

Amending Council Rules by prohibiting Council Members from engaging in discussion and voting at Council Meetings by remote participation to ensure compliance with the Sunshine Act and having an adverse impact on council business conducted during that meeting.

Resolved by the Council of the City of Allentown, That

WHEREAS, governing bodies responded to restrictions under the COVID pandemic by allowing elected officials to participate in meetings and to vote remotely pursuant to state provisions; and

WHEREAS, remote participation could lend itself to the perception of engagement of sunshine violations – others in the room, electronic messaging, etc; and

WHEREAS, such violations could impact council decisions that take place; and

WHEREAS, Council Meetings can easily be rescheduled to meet any action City Council might need to take.

WHEREAS, Council Enacted Rule VII, I., to prevent communications with during a meeting that violate the State Sunshine Act; and

I. Use of Electronic Communication Devices During City Council Meetings

Councilmember's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials that are on a Councilmember's I-pad/tablet device or lap top computer, is prohibited during Council meetings.

Council members should not be sending or receiving email, or texting or receiving texts during the meeting.

This policy does not prohibit using an electronic communications device in the event of an urgent family matter.

Should council inadvertently receive such messaging it shall be immediately shared with the council and the public during the meeting. (30062 10/21/2020); and

WHEREAS, City Council is desirous of ensuring transparency, risk reduction in management of council business and preventing any dark clouds from fogging up official business. ;

NOW, THEREFORE BE IT RESOLVED, that City Council's Rull VI and Rule VIII be amendment to read as follows:

**RULE VI
ELECTION AND REMOVAL OF
PRESIDENT AND VICE PRESIDENT**

A. Election of the President and Vice President of Council

Council will elect a President and Vice President at its organizational meeting. The President or Acting President will first take nominations from the floor for Council President. Each Councilperson can only make one nomination. After the nominations have been made by councilpersons, the President may offer a nomination. The potential candidates shall be voted on as nominated. The first candidate to receive a majority vote will become the President. The procedures will be the same for the election of the Vice President. (30154 3/3/2021)

~~If a Councilperson is not able to attend such meeting, they may participate in the election of the president by phone. (26643 10/21/92; 28613 8/5/09)~~

B. Removal: The Council may call for a vote to remove a President or Vice-President and elect a new President or Vice-President by a Resolution passed at a regular Council meeting, declaring that such a removal and election will be voted upon at the next regular Council meeting and if passed by the affirmative vote of five (5) members of Council. The Resolution will take effect immediately. (25576 12/18/85)

RULE VIII - 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. Council members must be physically present at the council meeting to participate and vote at a meeting Voting shall be by Roll Call vote, and the vote of each Member of Council shall be entered in the Minutes of the Meeting. (Home Rule Charter).

The City Clerk will clarify by reading aloud the content of the parliamentary motion, amendment, ordinance or resolution before the roll call is taken. The yeas and nays of each Councilperson will be entered on the minutes. On the call of yeas and nays, no member shall be excused from voting as such, unless the Councilperson requests an abstention based on a bonafide conflict of interest existing under the City Charter or a City Ordinance, including the City's Ethics Ordinance, Pennsylvania law or Federal law and the abstention is approved by majority vote of the Councilpersons not requesting the abstention. The Councilperson shall state specifically the nature of the abstention and shall file a statement with the Clerk prior to the council meeting at which the vote is to be taken that shall become part of and read into the record at the time of the vote. If the abstention is approved by Council, the vote of the abstaining Councilperson shall be recorded as an abstention approved by Council. If the abstention is not approved by Council and the Councilperson does not vote yea or nay, the vote shall be recorded as an abstention not approved by Council. The City Clerk will rotate the order in which the roll is called after every vote with the exception of amendments to the main question. (26643 10/23/92; 26668 1/20/93; 27682 6/20/01;)