

QUESTIONS FOR CONSIDERATION
HAZLETON CITY GOVERNMENT STUDY COMMISSION
ELECTED OFFICIALS:
GOVERNING BODY
January 2026

Instructions:

Please read and consider PEL's recommendations for the following *legislative body questions*. The questions are formatted to provide you with more information prior to the meeting and to determine if general consensus exists on these issues.

That general consensus will help us to pace the meetings so that simple voice votes can be used for questions that seem to have a majority approval. We can then devote more time to sorting out the more difficult decisions among the whole Commission.

If you prefer to discuss this directly with PEL, please email us for a convenient time to set up a call with you.

Qualifications

Should a member of the legislative body be required to live in the Municipality for a certain length of time prior to his/her election or appointment? If so, how long?

Current: Reside in the city continuously for at least one year before election

PEL: Residency implies knowledge of local issues and the impacts of Council decisions on residents. A certificate of continuous residency for two or three years to run for council could be a requirement for running for Council.

Consent to Current: None ___ One year ___ Two years ___ Three years ___ Other ___

Should members be a certain age to run for council?

Current: Eighteen (18) years old at the date of election.

Consent to Current: _____ **Other age? 21** _____ **Other** _____

Oath of Office

Should members be required to take an oath of office before serving? If so, what should constitute the oath?

Current: The members of council shall take the oath of office, but no set format listed.

PEL: Taking an oath should be required prior to a council person taking their seat. Not taking the oath for whatever reason, including religious exceptions should be a cause of forfeiture of the seat. The format for the oath could be “I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.”

Consent: The taking of an oath shall be a requirement. Yes ___ No ___

Failure to take the oath is a cause for forfeiture of the seat. Yes ___ No ___

Prohibitions

May legislative members be allowed to hold any other elected or appointed office? May legislative members be allowed to be employees of the Municipality?

Current: May not serve as a council member while holding:

1. an office of the United States or of the Commonwealth, except notaries public or officers of the militia;
2. county office;
3. office of a school district located in the city;
4. an office or serving as an employee of the city.

PEL: Allowing multiple offices at the same time can result in a conflict of interest. The current prohibitions seem to be reasonable to avoid conflicts of interest.

Consent: Use current prohibitions Yes ___ No ___

Resign to Run

Must legislative members resign their office to run for another office? What level? Federal, State, county, local?

Current: Not required.

PEL: “Resign to run” means that someone cannot hold a seat on council and seek another office at the same time. This rule can be found in other charters with the intention of ensuring dedication to office while serving the term.

A further decision will be to decide the *level of office* that requires resignation: Federal (President, House of Representatives or Senator), Commonwealth (Governor, House of Representatives, Senator, Auditor General, Attorney General, Treasurer, Judge) or Local (Mayor and other city offices, county commissioner and county offices, school board, judgeship) or *all three levels or a combination* of them.

Discussion/Decisions:

Resign to run Yes ___ No ___

Level of office requiring resignation from council:

Federal ___ **Commonwealth** ___ **Local** ___

May current office holders run for two offices at the same time? For example, council and mayor?

If resign to run is not included, should there be a restriction on running for two offices at once, for example, Mayor and council, Mayor and county commissioner etc. ?

Able to run for two offices at the same time? Yes ___ No ___

Council Organization

What date shall the legislative body organize?

Current: On the first Monday of January following the regular municipal election. If it is a legal holiday, the meeting will be held the first day following.

PEL: This is a standard date and there is no obvious reason to change it.

Consent to Current: Yes ___ No ___

Who shall preside over the organizational meeting? What officers shall be appointed at the organizational meeting? Vacancy or absence of an officer?

Current: City Clerk appointment required. May also provide for the manner of appointment of a City Solicitor

PEL: Presiding over the organizational meeting is typically the City Clerk at the time or the Solicitor. Once the council selects the leadership (typically President/Vice President) of the re-organized council, the Clerk or Solicitor no longer presides at the meeting. As to appointment times for the Clerk and Solicitor, there should always be a City Clerk and a Solicitor whenever possible. Therefore, these two positions should be filled at the organizational meeting.

Consent to Current: Yes ___ No ___ Needs more discussion: ___

Term Limits

Should the number of consecutive terms that any one individual can serve be limited? If so, what should the limit be?

Should the number of total terms that any one individual can serve be limited? If so, what should the limit be?

Current: There are no Third Class Code limits to the time one can serve as an elected official.

PEL: Several charters contain term limits and use various lengths for consecutive (back-to-back) and total time served in the position. Total time limit is less common. Some charters allow a person to be elected after “sitting out” for a period of time following the consecutive term limit. Term limits that are too short prevent people from learning the role and growing in the understanding of consequences of decisions as well as a broader understanding of fiscal and other policy issues. Conversely, term limits that are too long reduce the desired effect of limits, which is to have new people with new views and/or less accumulated conflicts.

Discussion/Decisions:

Consecutive Term Limits: Yes ___ No ___ How many? ___

Total Term Limits: Yes ___ No ___ How many? ___

Ability to Serve

Should a member of the legislative body be required to forfeit his/her office if he/she:

1. **moves from the Municipality or no longer meets any other qualification prescribed by applicable state law or by the Charter (e.g., no longer a registered voter, failure to take an oath)?**
2. **has been found to be incapacitated or incompetent by an appropriate court after an extended period? What should the extended period of time be?**
3. **Is convicted of misbehavior in office or of any infamous crime?**
4. **Violates any express prohibition of the Charter & commits any malfeasance or misfeasance in office?**

Current: No guidance on forfeiture.

PEL: Charters have required that any council person that changes their eligibility during the term of office must resign (forfeit) their position. The actions that would require a resignation are typically narrow on purpose by the charter drafters.

Consent: Yes___ No___ Needs more discussion: ___

Can the municipality seek judicial removal or an order declaring a vacancy if member does not forfeit his/her position after notice to forfeit if he/she:

1. **moves from the Municipality or no longer meets any other qualification prescribed by applicable state law or by the Charter (e.g., registered voter, failure to take an oath)?**
2. **has been found to be incapacitated or incompetent by an appropriate court after an extended period? What should the extended period of time be?**
3. **Is convicted of misbehavior in office or of any infamous crime?**

Current: No guidance.

PEL: If the person refuses to resign, should there be a way for the remaining council members to go to court and ask for the court to declare the seat vacant.

Should there be a means to declare the seat vacant?

Consent: Yes___ No___ Needs more discussion: ___

Filling Vacancies

What shall be the legislative body's process for appointment to fill any permanent vacancy on the legislative body?

AND

Should vacancies be filled for the unexpired term or just until the next municipal election?

AND

Should the Courts or a vacancy board fill the vacancy if the legislative body fails to act within a specified time period? If so, how much time will the legislative body have to fill the vacancy before either may appoint?

Current: The city council by a majority of *its remaining members* fills the vacancy, within thirty days, by electing a qualified person **to serve until the January following the next municipal election. The person elected at the municipal election serves the remainder of the original term.** If the council **does not fill a vacancy within 30 days** the president judge of the court of common pleas must fill the vacancy upon either the petition of at least 10 qualified electors of the city or the petition of a majority of the remaining members of council.

PEL: The current procedure is acceptable with the possible exception of allowing for the qualified person to fill the remainder of the *unexpired term* regardless of the date of vacancy. Currently the longest term filled would be for approximately two years after filling a vacancy because municipal elections are every two years. Allowing the term to be filled for the whole original term would keep the council election cycle intact so that no more council seats than usual would be up for election at one time. A vacancy board could be created if council can't make a decision; currently the appointment goes to County Common Court if council fails to appoint.

Consent to Current: Yes___ **No**___ **Needs more discussion:** ___

Should an appointee be required to meet the same qualifications as an elected member of the legislative body?

Current: Council fills by electing a qualified person as defined by the Third Class Code.

PEL: There would seem to be no reason to change the current requirement and have different council people with different qualifications.

Consent to Current: Yes___ **No**___

Should the person filling any vacancy be required to be of the same political party as the person he/she succeeds?

Current: No requirement.

PEL: Political party representation may be more important due to the at-large election of council. A requirement for the same party would keep the same political party representation as before the vacancy rather than having a vacancy change the political representation.

Consent: Yes ___ **No** ___ **Needs more discussion:** ___

Telecommunications

Can legislative members participate in meetings by means of telecommunication devices?

Current: Council may provide for the participation within limits of law.

PEL: Increasingly common is the use of participation by telephone, as long as provisions of the Sunshine Act are met. The charter can require that the administrative code prescribes the limits of participation and how often one can attend electronically.

Consent to Current: Yes ___ **No** ___