

Mayor

Charter Article Drafting Assumptions from Third Class City Code and Optional Plan B.

The consensus of the Commission study phase has been that the city's current government structure is appropriate as a starting point for the draft home rule charter. Therefore, the current Third Class City Code and Optional Plan B can be used as the basis to begin writing the Mayor article.

For the following items, we have provided the City Code assumptions in *italics* — along with the current law and our comments — for your review before the Commission's meeting. If you think that any one of these items needs to be discussed more fully by the whole Commission, that can be done.

Please note that when you receive the charter article drafts you will have another opportunity to discuss the following language. The intent now is to provide PEL as your staff with preliminary instructions to begin the charter article drafting work.

Requirements of Office

Should the Mayor be required to be of a minimum age?

If so, what should that age be? Same as Council ___ Other age ___

Current: Must be at least 18 years of age and must be a resident of the city for not less than **[one/two]** year(s) before the date of and must present a signed affidavit certifying it. The mayor must reside in the city for the term.

PEL: The age is currently the same as the council (18). There could be a different age considering the mayor is not a member of council and is the chief executive.

Residency

Current: Mayor is to provide signed affidavit to the city clerk that states the person resides in the city from which elected and has resided in the city continuously for at least one/two year preceding the person's election. The mayor would forfeit the office if they move from the city. This is the same as for council.

The mayor shall be inaugurated and take the oath of office on the first Monday of January following the regular municipal election.

What is the length of residency required to be eligible to run?

Council residency Commission consensus is two (2) years.

Agreement for two years? ___ Different time ___

Vacancy

*The legislative body fills by appointment a permanent vacancy for Mayor.
What is the length of the term that the new appointee will serve?*

Current Law: City council fills vacancy, within thirty days, to serve until the next municipal election that occurs at least two hundred days after the vacancy occurs. The person elected at that next municipal election serves from January following the election for the remainder of the original term. If the vacancy is not filled in thirty days, the court of common pleas, upon petition of ten or more qualified electors, fills the vacancy for the portion of the unexpired term.

Current consensus on Council Vacancies and similar for Mayor:

1. Until next municipal election occurring more than 200 days following the vacancy;
2. Consensus was 30 days; starting at council declaration of vacancy
3. If no decision in 30 days, the vacancy goes to the President Judge of the Luzerne County Court of Common Pleas by petition to Court.

Yes ___ Different ___

Serves out the original term? ___ Or 200 days prior to the next municipal election. ___

Incapacitation and permanent vacancy of Mayor to be the same as for Council.

Yes ___ No ___

Term Limits

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

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

Current: There are no Third Class City 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. The total time limit is less common. Some charters allow a person to be elected after “sitting out” for a period following the consecutive term limit. **Article II contains no term limits for Council.**

The decisions for Mayor term limits:

- determine if term limits are required, then;
- consecutive or non-consecutive (total time in office);

- the length of time;
- total length of consecutive and non-consecutive terms;
- once the consecutive limit is reached, is sitting out for a time possible before a return;
- definition of a term (required in the case of a vacancy appointment).

Resign to Run (Mayor)

Must the Mayor resign from their office to run for another office?

What level? Federal, State, county, local?

Ability to Run for Separate Offices at the Same Election

Council consensus is no.

The decision is - may the Mayor run for two offices at the same time? For example, Mayor and council so that win or lose they may have an elected office.

PEL: **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.

Recommendation is to:

- 1) **prohibit running for two offices at the same time.**
- 2) **All offices or just city offices?**

Prohibitions and Ability to Serve

The Mayor will be required to forfeit their office if they: move from the Municipality or no longer meet any other qualification prescribed by applicable state law or by the Charter (e.g., no longer a registered voter, failure to take an oath).

PEL: Council article includes convicted of a crime (Sean to provide language), commits malfeasance, commits misfeasance or has been found to be incapacitated or incompetent after a period of three (3) months by an appropriate court

Maintain or change?

May the Mayor be allowed to hold any other elected or appointed office?

Same as for Council No ___ Yes ___

If No, what limitations if any?

- 3) hold an elected office of the United States.
 1. hold an elected office of the Commonwealth;
 2. notaries public or officers of the militia are allowed .
- 4) hold an elected office of the County.
- 5) hold an elected office of a school district located in the City.
- 6) serve as an officer or employee of the City.

Compensation

Current Code: The mayor of each city shall receive an annual salary to be fixed by ordinance, payable in such equal installments as council shall provide.

The amount of the mayor's salary shall not be less than two thousand five hundred dollars.

In any city with a population in excess of fifteen thousand, the salary of the mayor shall not exceed five hundred dollars a year per thousand population or fraction of a thousand, the population to be determined by the latest official census figures.

PEL: Compensation of comparable cities is no less than \$73,000 (Altoona) and includes a benefit package

Maintain at no less at current compensation ___ Change ____

Provide benefit package _ Maintain Current ___ Change __

Powers of the Mayor from the Third Class City Code

Current: The executive power of the city is exercised by the mayor.

- A. Direct and supervise the executive and administrative affairs of the City.
- B. Appoint directors of departments, by and with the consent of the Council of the City and remove any director of any department, after providing written notice of such intended action to the Council, as well as complying with any other provisions for removal as specified in the areas of responsibility. (Consent of council means a majority vote.)
- C. Designate any elected or appointed city official to temporarily perform the duties of any office as a result of a vacancy, leave of absence or disability. (Mayor could not work for the City and still be qualified to serve.)
- D. Serve as a temporary or permanent director of any department or its subordinate functional areas.
- E. Prescribe any rules or regulations for any department or its subordinate functional areas which are deemed necessary for the conduct of city business.
- F. Revoke, suspend or alter any such rule or regulation issued to any department or its subordinate functional areas.
- G. Assign any department or its subordinate functional areas to assist or perform work for any other department or its subordinate functional areas.

- H. Countermand or cause to become null and void any action taken or decision made by the director of any department or its subordinate functional areas.
- I. Cause the enforcement of all city laws, codes and ordinances.
- J. Prepare and present to the Council, no later than its last regularly scheduled meeting of November of each year, an annual General Fund Budget for the upcoming calendar year, including all relevant financial data on surplus funds, anticipated revenues and projected expenditures. (In Third Class Optional Plan B [Hazleton's current Plan], the Business Administrator also has a responsibility to assist in budget preparation.)
- K. Submit monthly reports and an annual report on the performance of each department and its subordinate functional areas, including financial statements, to the Council.
- L. Attend and participate in regularly scheduled or special meetings of the Council.
- M. Create special temporary or permanent advisory committees, councils and the like to review, investigate or inquire into matters related to the City.
- N. Recommend persons to serve on the various permanent and mandated authorities, boards, commissions and the like of the City.
- O. Attend to all other areas of responsibility of the City.

Summary__PEL comments:

The mayor enforces the charter and ordinances of the city and all general laws.

The mayor reports annually to the council and the public on the state of the City.

The mayor prepares and presents annually a budget to City Council. Currently it is the first regularly scheduled meeting in November. Should it be earlier than that? Should there be specific dates included?

The mayor, from time to time, shall provide proposed legislation and make such recommendations for action by the council. The mayor appoints all department heads and supervises all the departments of the city government. Should the appointment and/or removal of department directors require the consent of a majority of the Council of the City?

The mayor recommends members of authorities, boards, commissions with approval of Council.

Should appointments require approval of a majority of Council?

The mayor has veto power over ordinances including the budget ordinance. If the mayor vetoes an ordinance, the council can override the veto by a vote of two-thirds of council. The mayor can refuse to return an ordinance and the ordinance will be in effect after ten days. If the Mayor refuses to return an ordinance should the effective date be 10 days after it is presented to the Mayor for signature?

The mayor may attend meetings of council and may take part in discussions of council. Except in the case of a council tie vote on filling a vacancy on the council, the mayor has no vote at

council. Should the Mayor be allowed to add items to Council's agenda? Should the Mayor have a required portion of the agenda to address Council?