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Article II City Council

§ 201 General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law and this Charter.

§ 202 Composition

The Council shall be composed of seven (7) members elected at large by the voters of the City.

§ 203 Qualifications

Only qualified voters of the City who have resided continuously in the City two years prior to the date of the general election for Council shall be eligible to hold the office of City Councilmember.

§ 204 Election and Term of Office

The regular election of Council members shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania. The terms of Council members shall begin on the first Monday of January following the municipal general election and shall be for four (4) years.

§ 205 Requirements of Office

Prior to taking their seat on Council, each duly elected Councilmember shall take an oath of office. The format for the oath shall be "I swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I shall discharge the duties of my office with fidelity" or such other oath as Council may prescribe. The oath or affirmation may be taken and signed before any judge or district justice of the Commonwealth of Pennsylvania. No person shall be permitted to assume such office until the oath, in written form, has been filed with the City Clerk

§ 206 Council Organization

Council shall meet and organize on the first Monday of January following the regular municipal election, unless it is a legal holiday in which case the organizational meeting shall be held the first day following. At said meeting the City Clerk, or in their absence, the City Solicitor, shall call the meeting to order and call for nominations for Council President. Council shall then elect a president from its members who shall preside at its meetings and perform such other duties as council may prescribe.

§ 207 City Clerk

At the organizational meeting City Council, by majority vote, shall appoint a City Clerk who shall give notice of Council meetings to its members and the public; take minutes of all City Council

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meetings; keep the minutes of its proceedings; serve as Secretary to Council; and perform such other duties as are assigned by the Administrative Code, the Council or state law.

§ 208 Quorum

A quorum shall be four (4) members of Council physically present at the designated meeting place in order to conduct the business of Council.

§ 209 Prohibitions

A Councilmember shall not:

- a) hold an elected office of the United States.
- b) hold an elected office of the Commonwealth; except notaries public or officers of the militia.
- c) hold an elected office of the County.
- d) hold an elected office of a school district located in the city.
- e) serve as an officer or employee of the City.

§ 210 Forfeiture of Office

A member of Council shall forfeit their office if the member:

- (a) Lacks at any time during the term of office any qualification or requirement for the office prescribed by this Charter or by law;
- (b) Violates any express prohibition of this Charter;
- (c) Has been convicted of any crime classified as a misdemeanor of the second class or higher under the laws of the Commonwealth of Pennsylvania or the United States; or be convicted of any comparable crime under the laws of any other state in the United States.
- (d) Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully.
- (e) Commits misfeasance in office, which shall be defined as the fulfillment of a statutorily imposed duty in an unlawful or improper manner.

In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council prior to the Council meeting at which such forfeiture is to be acted on in accordance with administrative procedures to be established by Council.

§ 211 Vacancies

The office of Council member shall become vacant upon: death of the member, resignation, removal from office in any manner authorized by law, or forfeiture of office. A vacancy in the Council shall be filled by a majority vote of the remaining members of Council.

If the Council fails to act within 45 days following the next Council meeting after the occurrence of the vacancy, the President Judge of the Court of Common Pleas of Lancaster County shall, upon petition of three members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City irrespective of political affiliation of the vacated Council member.

The appointed individual will remain in office until the first Monday in January following the next municipal general election. At such municipal general election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term.

The appointed individual shall meet all of the qualifications and requirements of office as provided for in this Charter and by applicable law.

§ 212 Participation by Telecommunication/Electronic Devices

A member of Council may participate in Council meetings by means of telecommunication devices, such as telephones or electronic terminals, which permits, at a minimum, audio communication between locations, if all of the following conditions apply:

(a) A majority of the members of Council then in office is physically present at the advertised meeting place within the City and a quorum is established at the convening or reconvening of the meeting.

(b) The telecommunication device used permits the member and members of Council physically present at the meeting to:

(1) speak to and hear the comments and votes, if any, of the members of Council who are physically present, as well as other members of Council who may not be physically present and are also using a telecommunication device to participate in the meeting; and

(2) speak to and hear the comments of the public who are physically present at the meeting.

(c) The telecommunication device used permits the members of Council and the members of the public who are physically present at the meeting to speak and hear the comments and the vote, if any, of the member or members of Council who are not physically present at the meeting.

(d) Council may provide additional provisions for participation by telecommunication in the Administrative Code

§ 213 Compensation

Each Council member elected at the first election under this Charter shall receive a nominal annual salary in the total amount of \$8,000, payable monthly. **Council members shall**

(receive no other benefits).

~~—OR—~~

(receive other benefits as deemed appropriate and included in the compensation ordinance).

A Council member may receive reimbursement for expenses paid by them in the performance of their duties. [This item needs further discussion.]

Council may raise by ordinance the salary of Council, but such ordinance will not take effect until the date of the commencement of the terms of Council members elected at the next regular municipal election following adoption of the ordinance.

§ 214 Procedures

(a) Rules. Council shall determine its own rules and Order of Business. Such rules shall be designed to assure full and equal participation in the deliberations of the Council by all of its members.

(b) Meetings. Council shall hold a regular meeting at least twice each month [in the evening] [no earlier than 6:00 PM local time] on a day and place as the Council may prescribe by resolution.

(c) Special meetings. Special meetings may be held on the call of the President of Council or by at least three members of Council, in writing to the City Clerk, at such time and place and under such conditions as the Council may prescribe by rule.

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(d) Meetings open to the public. All meetings shall be open to the public, except executive sessions as authorized by law. The public shall be notified of meetings in executive session in accordance with state law.

(e) Official actions of the Council may be taken by adoption of an ordinance, a resolution, or a motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Council shall be by resolution or motion, unless otherwise required by applicable law, in this Charter, or in the rules of Council procedure.

(f) Voting. All action shall be at a public session; and shall require a majority vote of Council, except in the case of a vote to override a veto, which shall require an affirmative vote of a majority plus one of its members or except as otherwise provided by applicable law. Voting shall be by ayes and nyes except for votes on resolutions and ordinances which shall be by roll call vote and the vote of each member shall be entered into the minutes of the meeting.

(g) The Council shall provide for keeping of minutes of its proceedings. The minutes shall be a public record and shall be maintained in the office of the City Clerk.

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