

## Article III Mayor

### § 301 General Powers and Duties

The Mayor serves as the Chief Executive Officer of the City. All executive, administrative and law enforcement powers of the City shall be vested in the Mayor, except as otherwise provided by applicable law or this Charter. The Mayor shall be the official representative of City government and shall have the authority to represent the City in deliberations with other governmental bodies. The Mayor may delegate such authority to any other elected or appointed officer of the City.

*Discussion Section 305 addresses prohibitive offices or an employee of the City. What if a Mayor owned a business or was an attorney or some other profession. Should they be prohibited from spending some time with that business?*

### § 302 Qualifications

Candidates for Mayor must be registered voters in the City and who have resided continuously in the City for four years prior to the date of the primary election for Mayor and be at least 18 years of age. The Mayor shall reside in the City throughout the term of office.

### § 303 Election and Term of Office

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

### § 304 Requirements of Office

Prior to taking the office of Mayor, the duly elected Mayor 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 said office until the oath, in written form and executed, has been filed with the City Clerk

### § 305 Prohibitions (For further discussion)

A Mayor may 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.

## § 306 Forfeiture of Office

An individual serving as Mayor shall forfeit their office if the individual:

- (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) Following action by the Court of Common Pleas that found the Mayor incompetent and incapable of conducting their own affairs.
- (d) 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.
- (e) Commits malfeasance in office, which shall be defined as an unlawful official act committed willfully
- (f) 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 Mayor 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.

## § 207 Vacancies

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

The appointed individual will remain in office until the first Monday in January following the next general municipal 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.

## 208 Compensation

The Mayor shall receive an annual salary as established by Council by ordinance. The salary of the Mayor may be changed by Council, but such ordinance will not take effect until the date of the commencement of the term of Mayor elected at the next regular municipal general election following adoption of the ordinance. **The Mayor shall also receive other benefits as deemed appropriate and included in the compensation ordinance.**

## § 209 Powers and Duties of the Mayor

- (a) Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.
- (b) Prepare and present a budget to City Council in accordance with the provisions of this Charter and Administrative Code.
- (c) Report annually to City Council and the public on the State of the City.
- (d) Provide Council with all information concerning finances and general conditions of the City as may be requested by Council or as required by this Charter.
- (e) Provide proposed legislation to Council and make recommendations for action by City Council on affairs of the City.
- (f) Appoint, with the consent of Council, all department heads.
- (g) Supervise all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
- (j) Appoint, suspend or remove any City employee, except as otherwise provided by this Charter or by law, and unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of City government.
- (i) Execute all bonds, notes, contracts, and written obligations of the City.
- (h) Voluntarily attend all public meetings of Council. At the request of Council, the Mayor shall appear at public council meetings. Participate in all public discussions but have no vote, except in the case of a tie vote by Council on filling a vacancy on Council.

(i) Request that Council convene a special meeting to address and act upon necessary or unforeseen items and enable certain emergency powers to be more effectively utilized.

(j) Veto any ordinance adopted by Council. Before any ordinance takes effect, it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within 10 days if approved, but if not, shall return it to Council stating objections in a written message. Council may at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of a majority plus 1 of the members of City Council.

(k) Perform such other duties and exercise such other powers as stated in this Charter, by applicable law, or ordinance.