

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

- (a) The Council shall be composed of nine (9) members of which eight (8) are elected by districts, with two (2) being elected from four (4) districts, and one (1) elected at large by the voters of the City.

OR

The Council shall be composed of nine (9) members of which four (4) are elected by districts, with one (1) being elected from four (4) districts, and five (5) elected at large by the voters of the City

- a. **Minority party representation**— So long as there is more than one (1) at-large seat up for election, party affiliations may only run as many candidates for at-large Council seats as there are open at-large Council seats, minus one. Voters shall have the ability always to vote for as many candidates as there are open seats. *This does not require vacancies to be filled by a member of the exiting affiliation, but does suggest it would be appropriate to do so. A councilor may change their affiliation once seated.*
- (b) Creation of Districts – There shall be four Council districts and they shall be divided using the following divisions, and a map of these districts will be addended to this charter for clarity:
- District 1 – This district will be comprised of Ward 6 and Ward 2, minus the section of the second precinct south of Orange St
 - District 2 – Comprised of Ward 3, Ward 7, and the section of the second precinct of Ward 2 south of Orange St
 - District 3 – Comprised of Ward 4 and Ward 8, minus the sections of the second, third, and fourth precincts south of 3rd and Manor St
 - District 4 – Comprised of Ward 1, Ward 5, Ward 9, and the sections of the second, third, and fourth precincts of Ward 8 north of 3rd and Manor St
- (c) As it relates to form of government, the total population of the city at each decennial census divided by the sum of Council members shall always create a value between 6,000 to 9,000 city residents. The number of councilors must always be an odd number.
- This value can be changed in two ways, by referendum of the citizens by petition, or by automatic referendum when a population change makes the existing sum of councilors fall outside of the aforementioned range.
 - When the question is taken to referendum, it will appear as such: “How many members shall comprise City Council?”
 - If there are more than two valid options, all options shall appear on the ballot in a First-Past-the-Post election, meaning a plurality of voters may decide the outcome.
- (d) Adjustment of District Boundary. Following each decennial census, Council shall review the district boundaries and may, by ordinance, adjust the district boundaries to reflect relatively equal populations in each district. Council shall complete its review and recommendation within two (2) years of the release of the official US census report. Should the citizens wish to initiate redistricting directly or to challenge action of the Council regarding redistricting they may do so using the powers of initiative or referendum granted under Article XXX of this Charter.

(e) Method of Adjustment of District Boundaries. – Two years after every decennial census the City must form a Citizen Redistricting Commission for the purpose of adjusting District Boundaries to make all districts reasonably equal in population. The City shall provide all necessary staff support to enable the commission to perform its duties. The work of the commission shall be completed within one year of forming.

- a. Citizens Redistricting Commission: - Composed of five (5) qualified voters of the City; one must be from each district, and one at large.
 - i. They will be selected by a vote of Council President, the Mayor, and the City Controller.
 - ii. All eligible candidates are to have applied to the City and may not be selected ad-hoc
 1. The City must open these applications up one year after the decennial census, and the selections must have been finalized one month prior to the end of the two years.
- b. Restrictions on eligibility – A commission member may not,
 - i. Have or have held any elected office on the city, county, state, or federal level in the last two years;
 - ii. Donated or assisted, paid or unpaid, any political campaign in the last two years;
 - iii. Be or have been appointed to any Federal, State, County, or City public office in the last two years.
- c. In violation of candidacy restrictions - A violation of the above restrictions by any commissioner may result in a review by the Ethics Commission, and may result in a removal from office.

§ 203 Qualifications

- (a) 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.
 - a) If the seat is for a district seat, then they must have resided specifically in that district for two years.
 - b) Should a district boundary be changed, then residency qualification for that district will be retroactively effective as to not exclude otherwise qualified members of the public from holding a district seat on Council
 - c) Should a seated member of council for a district be moved out of the district they represent by a change of boundaries, they can still fulfill their term, but they would not be eligible for the same seat in for the following term and would have to run in their new district.
- (b) Term Limits – There shall be no term limits on the cumulative amount of terms a person may serve on council, but there shall be a limit on the amount of consecutive terms they may serve. No councilor may be elected to four consecutive terms, and they shall only become eligible after a break of one full term.

§ 204 Election and Term of Office

- (a) 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 term of Council members shall begin on the first Monday of January following the municipal general election and shall be for two (2) years.

§ 205 Requirements of Office

- (a) 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
- (b) Within six months of election, members elected to Council must take an approved Ethics Training for elected officials as approved by the Lancaster City Code of Ethics and Ethics Commission

§ 206 Council Organization

Council shall meet and organize on the 2nd of January following the regular municipal election. 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 meetings; keep the minutes of its proceedings; keep the recordings 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.~~

A quorum shall be half of the total of members of Council, plus one. Council members do not have to be physically present, but to be considered for the quorum, they must be visible on a camera and the meeting must be recorded. If the meeting recording cannot be posted to public within 48 hours, all actions of council will be considered null and void. Physical attendance at the posted meeting location is preferred.

§ 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 while in office.
- (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 \$12,000, payable monthly. **Council members shall also be eligible to receive other benefits as deemed appropriate and included in the compensation ordinance, except for additional payments for declining said benefits, and members of Council may only be eligible for healthcare**

benefit after first exhausting options from their primary employer. Family members of any Council members eligible for benefits must be added on to the insurance policy for a standard fee set by the compensation ordinance.

A Council member may receive reimbursement for expenses paid by them in the performance of their duties, such as parking and transportation expenses.

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.
- (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.

For the Transition Article Language (To be determined based on the decisions of options put forward in this article)

Addendum: Districts Map

