



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

INTEROFFICE MEMORANDUM

To: Louise M. Kelchner, City Clerk

CC: The Honorable Robert J. Donchez, Mayor; W. Alexander Karras, Chief of Staff

From: Edmund J. Healy, Esquire, First Assistant City Solicitor

Re: proposed Resolution appointing alternate members to Zoning Hearing Board

Date: March 22, 2018

The Administration desires to appoint 3 alternates to serve on the Zoning Hearing Board. These alternates will serve as members if and only if a vacancy among the regular members occurs in any specific hearing. The size of the Board is not changing. Under the Pennsylvania Municipalities Code, the process for appointing of alternates is specifically enumerated at 53 PS §10603(b): “The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of section 906 [i.e. §10906], an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law....” The section then outlines the qualifications to be an alternate member and further provides that “[a]ny alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to section 9072 unless designated as a voting alternate member pursuant to section 906 [i.e. §10906].

Since the above section of the MPC assigns the power to appoint alternates to the governing body by resolution, and Article 117.01(a) of the City Codified Ordinances gives the appointment power over board members to the Mayor upon the advice and consent of the Council, City Council is asked to approve the attached Administrative Order by way of City Council Resolution.

Please place this Interoffice Memorandum and proposed Resolution on City Council’s agenda for review and appropriate action.