

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2007

Session of
2003

INTRODUCED BY MUSTIO, T. STEVENSON, TURZAI, ARGALL, CAPPELLI,
DALLY, DENLINGER, HUTCHINSON, METCALFE, PAYNE, REED,
REICHLEY, SAYLOR, WILT, HABAY, YOUNGBLOOD, DALEY, SCAVELLO,
J. EVANS, COSTA, MAHER AND LEWIS, OCTOBER 16, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 17, 2003

AN ACT

1 Amending the act of March 7, 1901 (P.L.20, No.14), entitled "An
2 act for the government of cities of the second class,"
3 further providing for duties of the city controller.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 1 of Article VIII of the act of March 7,
7 1901 (P.L.20, No.14), referred to as the Second Class City Law,
8 is amended to read:

9 Section 1. The city controller shall be the head of this
10 department; he shall hold his office for a term of three years,
11 and until his successor shall be duly chosen and qualified.

12 The city controller shall:

13 I. Prescribe the form of reports and accounts to be rendered
14 to his department, and shall have the inspection and revision of
15 the accounts of all other departments and trusts.

16 II. Audit the accounts of the several departments and trust,
17 and all other accounts in which the city is concerned, including

1 accounts of any authorities having A MAJORITY OF board members
2 appointed by city officials; and submit annually to councils, in
3 such manner as may by ordinance be directed but in any event no
4 later than one hundred twenty days from the end of the
5 immediately preceding fiscal year, a report of the accounts of
6 the city, verified by his oath or affirmation, exhibiting the
7 revenues, receipts and expenditures, the sources from which the
8 revenues and funds are derived, and in what manner the same have
9 been disbursed, which report shall be published in pamphlet or
10 book form.

11 III. Keep separate accounts for each specific item or
12 appropriation made by councils to each department, and require
13 all warrants to state specifically against which of said items
14 the warrant is drawn. Each account shall be accompanied by a
15 statement in detail, in separate columns, of the several
16 appropriations made by councils, the amount drawn on each
17 appropriation, the unpaid contracts charged against it, and the
18 balance standing to the credit of the same.

19 IV. He shall not suffer any appropriation to be overdrawn,
20 or the appropriation for one item of expense to be drawn upon
21 for any other purpose, or by any department other than that for
22 which the appropriation was specifically made, except on
23 transfers made by ordinance of councils; or unless sufficient
24 funds, out of which said warrant is payable, shall actually be
25 in the treasury at the time.

26 V. If any warrant presented to the controller contain an
27 item for which no appropriation has been made, or there shall
28 not be a sufficient balance of the proper fund for the payment
29 thereof, or which for any other cause should not be approved, he
30 shall notify the proper department of the fact; and if the

1 controller shall approve any warrant, contrary to the provisions
2 hereof, he and his sureties shall be individually liable for the
3 amount of the same to the holder thereof.

4 VI. Whenever a warrant or claim shall be presented to him,
5 he shall have power to require evidence that the amount claimed
6 is justly due, and for that purpose may summon before him any
7 officer, agent or employes of any department of the city, or any
8 other person, and examine him, upon oath or affirmation,
9 relative to such warrant or claim.

10 VII. He shall also perform all duties required of him by law
11 or ordinance, not inconsistent with the provision hereof.

12 Detailed statements of the receipts and expenditures of the
13 several departments and authorities shall be made on the third
14 Monday of each month to the controller, the council and the
15 Department of Community and Economic Development. The Department
16 of Community and Economic Development shall make the statements
17 available to the public upon request and on the Internet World
18 Wide Web site maintained by the department.

19 Every contract involving an appropriation of money shall
20 designate the item of appropriation on which it is founded, and
21 shall be numbered by the controller in the order of its date,
22 and charged as numbered against such item, and so certified by
23 him, before it shall take effect as a contract, and shall not be
24 payable out of any other fund; and if he shall certify any
25 contract in excess of the appropriation properly applicable
26 thereto, the city shall not be liable for such excess, but the
27 controller and his sureties shall be liable in damages for an
28 amount not exceeding such excess, which may be recovered in an
29 action on the case for negligence, by the contracting party
30 aggrieved: Provided, That so much of this section as enacts that

1 a contract, certified by the controller, shall not be payable
2 out of any other fund than the item of appropriation against
3 which it is numbered, shall not apply to such contracts for
4 public improvement as are referred to in Article XV, Section 1,
5 hereof.

6 The controller shall, at the end of each fiscal year, or
7 oftener if so required by councils, and also upon the death,
8 resignation, removal or expiration of the term of any officer,
9 audit, examine and settle the accounts of such officer; and if
10 he shall be found indebted to the city, the controller shall
11 state an account and file the same in the court of common pleas
12 of the proper county, together with a copy of the official bond
13 of such officer, and give notice thereof to him or his legal
14 representatives, and if any person or persons affected thereby
15 shall be dissatisfied with such settlement he or they may appeal
16 therefrom.

17 The appeal, with his or their exceptions to the account as
18 stated, verified by the oath of the person or persons appealing,
19 shall be filed in the office of the prothonotary of said court
20 within ten days after the service of notice. The appellant
21 shall, within ten days, enter security, to be approved by the
22 court, to prosecute the appeal with effect, and pay the costs
23 and the debt and interest which may appear by the judgment of
24 the court to be due to the city. The balance of account, as
25 shown by the settlement filed as aforesaid, shall constitute a
26 lien on the real estate of the officer, so indebted, and his
27 sureties from the date of the filing thereof, which lien shall
28 continue for the period of five years from the date of filing. A
29 writ of scire facias to enforce the lien shall be issued thereon
30 within six months, which shall contain a clause warning the

1 sureties, or the executors or administrators of the officer or
2 of his sureties, to appear and make defense, and the case shall
3 thereupon be proceeded with to final judgment, according to law.

4 Notice of the audit shall be given by the controller to the
5 officer or his legal representatives, before the final statement
6 of the account, and if desired by such officer or his legal
7 representatives, opportunity shall be given for a hearing. A
8 copy of such notice, with an affidavit of the proof of service
9 thereof, shall be filed with the statement of account, as
10 evidence of service of notice.

11 Section 2. This act shall take effect in 60 days.