

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1961

Session of  
1989

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INTRODUCED BY BORTNER, VAN HORNE, ANGSTADT, CALTAGIRONE,  
CAPPABIANCA, BLACK, RITTER, WOZNIAK, PRESSMANN, WAMBACH,  
STEIGHNER, LETTERMAN, BROUJOS, DOMBROWSKI, SCHULER, DEMPSEY,  
BOYES, MOEHLMANN, MERRY, TRELLO, MICHLOVIC, MORRIS,  
LEVANSKY, BUNT, COLAIZZO, LINTON AND SERAFINI,  
OCTOBER 4, 1989

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AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 11, 1989

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## AN ACT

1 Amending the act of July 15, 1957 (P.L.901, No.399), entitled  
2 "An act giving cities of the third class the right and power  
3 to adopt one of several plans of optional charters and to  
4 exercise the powers and authority of local self-government  
5 subject to certain restrictions and limitations; providing  
6 procedures for such adoption and defining the effect  
7 thereof," further providing for the powers and duties of the  
8 mayor and of the city manager.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 413 of the act of July 15, 1957 (P.L.901,  
12 No.399), known as the Optional Third Class City Charter Law, is  
13 amended by adding a subsection to read:

14 Section 413. \* \* \*

15 (d) The mayor, or a person designated under section 414 to  
16 act as mayor, may require that bids be accompanied by a good  
17 faith tender of either cash, a certified check, a cashier's  
18 check or, a corporate surety bond, OR OTHER IRREVOCABLE LETTER <—

1 OF CREDIT in a reasonable amount. The advertisement soliciting  
2 bids shall set forth the requirement, when applicable, and the  
3 amount to be tendered. If a bidder is selected but is unable to  
4 perform, the city may retain the amount tendered with the bid as  
5 damages.

6 Section 2. Section 516 of the act is amended to read:

7 Section 516. (a) The city manager shall:

8 (1) Be the chief executive and administrative official of  
9 the city;

10 (2) Execute all laws and ordinances of the city;

11 (3) Appoint and have power to remove a deputy manager, if  
12 one be authorized by the council, all department heads and all  
13 other officers, subordinates, and assistants for whose selection  
14 or removal no other method is provided in this article, except  
15 that he may authorize the head of a department to appoint and  
16 remove subordinates in such department, supervise and control  
17 his appointees, and report all appointments or removals at the  
18 next meeting thereafter of the city council;

19 (4) Negotiate contracts for the city, subject to the  
20 approval of the city council, make recommendations concerning  
21 the nature and location of municipal improvements, and execute  
22 municipal improvements as determined by the city council;

23 (5) See that all terms and conditions imposed in favor of  
24 the city or its inhabitants in any statute, public utility  
25 franchise or other contract are faithfully kept and performed,  
26 and upon knowledge of any violation, call the same to the  
27 attention of the city council;

28 (6) Attend all meetings of the city council with the right  
29 to take part in the discussions, but without the right to vote;

30 (7) Recommend to the city council for adoption such measures

1 as he may deem necessary or expedient, keep the council advised  
2 of the financial condition of the city, make reports to the  
3 council as requested by it, and at least once a year make an  
4 annual report of his work for the benefit of the council and the  
5 public;

6 (8) Investigate at any time the affairs of any officer or  
7 department of the city which is under his jurisdiction;

8 (9) Perform such other duties as may be required of the city  
9 manager by ordinance or resolution of the city council;

10 (10) The city manager shall be responsible to the council  
11 for carrying out all policies established by it and for the  
12 proper administration of all affairs of the city within the  
13 jurisdiction of the council.

14 (b) The city manager may require that bids be accompanied by  
15 a good faith tender of either cash, a certified check, a  
16 cashier's check ~~or~~, a corporate surety bond, OR OTHER <—  
17 IRREVOCABLE LETTER OF CREDIT in a reasonable amount. The  
18 advertisement soliciting bids shall set forth the requirement,  
19 when applicable, and the amount to be tendered. If a bidder is  
20 selected but is unable to perform, the city may retain the  
21 amount tendered with the bid as damages.

22 Section 3. This act shall take effect in 60 days.