

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1050 Session of  
1991

INTRODUCED BY BORTNER, BELAN, REIBMAN, HELFRICK, PORTERFIELD AND  
AFFLERBACH, MAY 13, 1991

REFERRED TO LOCAL GOVERNMENT, MAY 13, 1991

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, a corporate surety bond, or other irrevocable letter of  
19 credit in a reasonable amount. The advertisement soliciting bids  
20 shall set forth the requirement, when applicable, and the amount

1 to be tendered. If a bidder is selected but is unable to  
2 perform, the city may retain the amount tendered with the bid as  
3 damages.

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

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

6 (1) Be the chief executive and administrative official of  
7 the city;

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

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

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

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

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

28 (7) Recommend to the city council for adoption such measures  
29 as he may deem necessary or expedient, keep the council advised  
30 of the financial condition of the city, make reports to the

1 council as requested by it, and at least once a year make an  
2 annual report of his work for the benefit of the council and the  
3 public;

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

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

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

12 (b) The city manager may require that bids be accompanied by  
13 a good faith tender of either cash, a certified check, a  
14 cashier's check, a corporate surety bond, or other irrevocable  
15 letter of credit in a reasonable amount. The advertisement  
16 soliciting bids shall set forth the requirement, when  
17 applicable, and the amount to be tendered. If a bidder is  
18 selected but is unable to perform, the city may retain the  
19 amount tendered with the bid as damages.

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