

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2352 Session of
2010

INTRODUCED BY FREEMAN, KESSLER, GRUCELA, ROSS AND GINGRICH,
MARCH 18, 2010

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 18, 2010

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 providing for the office and powers and duties of a city
5 administrator or manager.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 23, 1931 (P.L.932, No.317), known
9 as The Third Class City Code, reenacted and amended June 28,
10 1951 (P.L.662, No.164), is amended by adding an article to read:

11 ARTICLE XII-A

12 CITY ADMINISTRATOR OR MANAGER

13 Section 1201-A. Office of city administrator or manager.

14 City council may, at its discretion at any time, by
15 ordinance, enacted by a majority vote of all members elected to
16 council, create the office of city administrator or manager and
17 may in like manner abolish the same. The appointed office of
18 city administrator when referenced in this article may also be
19 referred to as city manager, and a reference to a city

1 administrator shall be deemed a reference to a city manager.

2 Section 1202-A. Appointment; selection; removal.

3 In a city in which the office of city administrator has been

4 created, council shall appoint a person to fill that office

5 initially, and thereafter, whenever a vacancy exists in the

6 office. The appointment of a person to fill the office of city

7 administrator shall be by an affirmative vote of a majority of

8 all the members of council. Council shall select a city

9 administrator on the basis of executive and administrative

10 qualifications, education and experience and may give special

11 consideration to applicants with training and experience in

12 municipal government operation. The city administrator shall

13 serve at the pleasure of council, subject to contractual rights

14 that may arise under an employment agreement that may be entered

15 in accordance with section 1203-A.

16 Section 1203-A. Employment agreement.

17 Council may enter into an employment agreement with the city

18 administrator. The employment agreement may set forth the terms

19 and conditions of employment, and the agreement may provide that

20 it shall remain in effect for a specified period terminating no

21 later than two years after the effective date of the agreement

22 or the date of the organization meeting of council following the

23 next municipal election, whichever shall first occur. An

24 employment agreement entered into pursuant to this section may

25 specify conditions under which a city administrator would be

26 entitled to severance compensation, but in no event shall an

27 employment agreement guarantee employment through the term of

28 the agreement or confer upon the city administrator any legal

29 remedy based on specific performance.

30 Section 1204-A. Residency and elective city office.

1 At the time a person is appointed to fill the office of city
2 administrator, the appointee need not be a resident of the city.
3 After appointment, the city administrator may reside outside the
4 city only with the approval of council. The city administrator
5 shall not hold any elective city office.

6 Section 1205-A. Powers and duties.

7 (a) Powers and duties generally.--Council may, by ordinance,
8 vest in the city administrator powers and duties relating to the
9 general management of city business and to the enforcement of
10 city ordinances and regulations. The powers and duties conferred
11 upon a city administrator in accordance with this section shall
12 not be construed as diminishing powers granted to other city
13 officers by statute or ordinance.

14 (b) Specific powers.--The powers and duties that may be
15 conferred upon a city administrator by council may include, but
16 shall not be limited to, any or all of the following:

17 (1) To be the chief administrative officer of the city
18 responsible to the city council as a whole for the proper and
19 efficient administration of the affairs of the city.

20 (2) To direct and supervise the administration of all
21 departments and functions of the city, except as otherwise
22 provided by ordinance or law.

23 (3) Except as otherwise provided by this act, to appoint
24 city employees on the basis of merit system principles and
25 suspend, remove or otherwise discipline employees, subject to
26 the following:

27 (i) The city administrator may make recommendations
28 to council concerning appointments or removals at the
29 department head level.

30 (ii) Prior to any action being taken with regard to

1 appointments or removals at the department head level,
2 the city administrator shall confer with council.

3 (iii) Council must confirm appointments or removals
4 at the department head level.

5 (4) To designate a qualified administrative officer of
6 the city to perform the city administrator's duties during
7 the city administrator's temporary absence or disability. In
8 the event the city administrator fails or is unable to make
9 such designation, or if the absence or disability continues
10 more than 30 days, the council may, by resolution, appoint an
11 officer of the city to perform the duties of the city
12 administrator during the city administrator's absence or
13 disability until the city administrator is able to return to
14 work.

15 (5) To negotiate contracts for the city, subject to the
16 approval of city council, make recommendations concerning the
17 nature and location of municipal improvements and execute
18 municipal improvements as determined by the city council.

19 (6) To see that all terms and conditions imposed in
20 favor of the city or its inhabitants in any statute,
21 franchise or contract are faithfully kept and performed, and
22 upon knowledge of any violation, call the same to the
23 attention of the city council.

24 (7) To attend all meetings of the city council with the
25 right to take part in the discussions, but without the right
26 to vote.

27 (8) To recommend to the city council for adoption such
28 measures as the administrator may deem necessary or
29 expedient, keep the council advised of the financial
30 condition of the city and make reports to the council as

1 requested by it.

2 (9) To investigate at any time the affairs of any
3 officer or department of the city that is under the
4 administrator's jurisdiction.

5 (10) To prepare and submit the annual city budget for
6 review and approval by the city council. The recommended
7 budget shall be submitted to city council for its review no
8 later than the last stated meeting in November. The budget so
9 submitted shall be accompanied by an enabling ordinance,
10 together with such explanatory comment or statement as the
11 administrator may deem desirable. The budget document shall
12 be in such form as is required by law for city budgets, and
13 shall contain such additional documentation or explanation of
14 the various items of expenditure and revenue as may be
15 required by council.

16 (11) To perform such other duties as may be designated
17 by the city council in the enabling ordinance.

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