

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1367** Session of
2021

INTRODUCED BY FREEMAN, JAMES, MOUL, KNOWLES AND SAPPEY,
MAY 10, 2021

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 16, 2021

AN ACT

1 Amending Title 11 (Cities) of the Pennsylvania Consolidated
2 Statutes, in city administrator, further providing for
3 appointment of city administrator, for employment agreement,
4 for residency and elective city office and for powers and
5 duties; and, in accounts and finances, further providing for
6 powers and duties of chief fiscal officer.

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

9 Section 1. Sections 112A02, 112A03, 112A04, 112A05(b)(4) and
10 11802(a) of Title 11 of the Pennsylvania Consolidated Statutes
11 are amended to read:

12 § 112A02. Appointment of city administrator.

13 (a) Appointment.--In a city that has established an office
14 of city administrator, council shall appoint an individual,
15 partnership, limited partnership, an association or professional
16 corporation to be city administrator. The appointment of [an
17 individual to be] a city administrator shall be by a majority
18 vote of all the members of council.

19 (b) Selection.--Council shall select a city administrator on

1 the basis of executive and administrative qualifications,
2 education and experience and may give special consideration to
3 applicants with training and experience in municipal government
4 operation. The city administrator shall serve at the pleasure of
5 council, subject to contractual rights that may arise under an
6 employment or professional services agreement that may be
7 entered in accordance with section 112A03 (relating to
8 employment agreement).

9 (C) STATUS AS PUBLIC OFFICIAL.--THE FOLLOWING SHALL BE <--
10 CONSIDERED A PUBLIC OFFICIAL FOR PURPOSES OF 65 PA.C.S. § 1103
11 (RELATING TO RESTRICTED ACTIVITIES):

12 (1) AN INDIVIDUAL WHO IS APPOINTED CITY ADMINISTRATOR.

13 (2) EACH OFFICER AND EMPLOYEE OF A PARTNERSHIP, LIMITED
14 PARTNERSHIP, ASSOCIATION OR PROFESSIONAL CORPORATION
15 APPOINTED AS CITY ADMINISTRATOR WHO DIRECTLY PROVIDES
16 SERVICES AS REQUIRED OR AUTHORIZED BY AN AGREEMENT UNDER
17 SUBSECTION (A).

18 § 112A03. Employment or professional services agreement.

19 (a) Agreement.--Council may enter into an employment or
20 professional services agreement with the city administrator. The
21 [employment] agreement may set forth the terms and conditions of
22 employment. The [employment] agreement shall remain in effect
23 for a specified period terminating not later than two years
24 after the effective date of the [employment] agreement or the
25 date of the organizational meeting of council after the next
26 municipal election, whichever is earlier.

27 (b) Conditions.--

28 (1) An [employment] agreement under subsection (a) may <--
29 specify conditions under which a city administrator may be
30 entitled to severance compensation[.] if the city

1 administrator is an individual, or payments for the
2 termination of appointment if the city administrator is a
3 partnership, limited partnership, an association or
4 professional corporation.

5 (2) An [employment] agreement under subsection (a) may
6 not guarantee retention or employment through the term of the
7 [employment] agreement or confer upon the city administrator
8 any legal remedy based on specific performance.

9 (3) An [employment] agreement under subsection (a),
10 executed on or after a municipal election but before the
11 first meeting in January the year after the municipal
12 election, shall be void.

13 § 112A04. Residency and elective city office.

14 (a) Residence of city administrator who is an individual.--

15 At the time an individual is appointed to fill the office of
16 city administrator, the appointee does not have to be a resident
17 of the city. After appointment, [the] a city administrator who
18 is an individual may reside outside the city only with the
19 approval of council.

20 (b) Incompatibility.--The city administrator may not hold
21 any elective city office. In the case of a partnership, limited
22 partnership, an association or professional corporation
23 appointed as city administrator, the restriction under this
24 subsection shall apply to all officers and employees who
25 directly provide services as required or authorized by the
26 agreement.

27 § 112A05. Powers and duties.

28 * * *

29 (b) Specific powers.--The powers and duties conferred upon a
30 city administrator by council may include the following:

1 * * *

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

13 * * *

14 § 11802. Powers and duties of chief fiscal officer.

15 (a) Appointment.--Council shall appoint a chief fiscal
16 officer. In filling the position of chief fiscal officer,
17 council may appoint the director of the department of accounts
18 and finance or the city administrator if one is an individual
19 appointed under Chapter 111 (relating to the executive
20 department) or 112A (relating to city administrator).

21 * * *

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