

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 774 Session of 2023

INTRODUCED BY HUTCHINSON, DUSH, BROWN, KEARNEY AND COMITTA,
JUNE 14, 2023

REFERRED TO LOCAL GOVERNMENT, JUNE 14, 2023

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
20 the basis of executive and administrative qualifications,

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

8 § 112A03. Employment or professional services agreement.

9 (a) Agreement.--Council may enter into an employment or
10 professional services agreement with the city administrator. The
11 [employment] agreement may set forth the terms and conditions of
12 employment. The [employment] agreement shall remain in effect
13 for a specified period terminating not later than two years
14 after the effective date of the [employment] agreement or the
15 date of the organizational meeting of council after the next
16 municipal election, whichever is earlier.

17 (b) Conditions.--

18 (1) An [employment] agreement under subsection (a) may
19 specify conditions under which a city administrator may be
20 entitled to severance compensation[.] if the city
21 administrator is an individual, or payments for the
22 termination of appointment if the city administrator is a
23 partnership, limited partnership, an association or
24 professional corporation.

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

29 (3) An [employment] agreement under subsection (a),
30 executed on or after a municipal election but before the

1 first meeting in January the year after the municipal
2 election, shall be void.

3 (c) Status as public official.--The city administrator, if
4 an individual, and, for a partnership, limited partnership,
5 association or professional corporation appointed as the city
6 administrator, each officer and employee directly providing
7 services as required or authorized by the agreement shall be
8 considered a public official for purposes of the provisions of
9 65 Pa.C.S. § 1103 (relating to restricted activities).

10 § 112A04. Residency and elective city office.

11 (a) Residence of city administrator who is an individual.--
12 At the time an individual is appointed to fill the office of
13 city administrator, the appointee does not have to be a resident
14 of the city. After appointment, [the] a city administrator who
15 is an individual may reside outside the city only with the
16 approval of council.

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

24 § 112A05. Powers and duties.

25 * * *

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

28 * * *

29 (4) [Designating] If the city administrator is an
30 individual, designating a qualified administrative officer of

1 the city to perform the city administrator's duties during
2 the city administrator's temporary absence or disability. In
3 the event the city administrator fails or is unable to make
4 the designation or if the city administrator's absence or
5 disability continues more than 30 days, council may, by
6 resolution, appoint an officer of the city to perform the
7 duties of the city administrator during the city
8 administrator's absence or disability until the city
9 administrator is able to return to work.

10 * * *

11 § 11802. Powers and duties of chief fiscal officer.

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

18 * * *

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