

No. 2011-75

AN ACT

SB 830

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

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

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

ARTICLE XII-A
CITY ADMINISTRATOR OR MANAGER

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

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

Section 1202-A. Appointment; selection; removal.

In a city in which the office of city administrator has been created, council shall appoint a person to fill that office initially, and thereafter, whenever a vacancy exists in the office. The appointment of a person to fill the office of city administrator shall be by an affirmative vote of a majority of all the members of council. Council shall select a city administrator on the basis of executive and administrative qualifications, education and experience and may give special consideration to applicants with training and experience in municipal government operation. The city administrator shall serve at the pleasure of council, subject to contractual rights that may arise under an employment agreement that may be entered in accordance with section 1203-A.

Section 1203-A. Employment agreement.

Council may enter into an employment agreement with the city administrator. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the organization meeting of council following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this section may specify conditions under which a city administrator would be entitled to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or

confer upon the city administrator any legal remedy based on specific performance.

Section 1204-A. Residency and elective city office.

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

Section 1205-A. Powers and duties.

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

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

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

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

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

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

(ii) Prior to any action being taken with regard to appointments or removals at the department head level, the city administrator shall confer with council.

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

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

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

(6) To see that all terms and conditions imposed in favor of the city or its inhabitants in any statute, franchise or contract are faithfully kept

and performed, and upon knowledge of any violation, call the same to the attention of the city council.

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

(8) To recommend to the city council for adoption such measures as the administrator may deem necessary or expedient, keep the council advised of the financial condition of the city and make reports to the council as requested by it.

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

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

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

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

APPROVED—The 7th day of July, A.D. 2011

TOM CORBETT