

ORDINANCE NO. 432

PARKESBURG BOROUGH
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF PARKESBURG BOROUGH, CHESTER COUNTY CREATING THE OFFICE AND POSITION OF "BOROUGH MANAGER", PROVIDING PROVISIONS FOR APPOINTMENTS TO AND REMOVAL FROM THAT OFFICE, ESTABLISHING QUALIFICATION, DETERMINING THE NECESSITY OF BOND(S) AND COMPENSATION FOR SUCH OFFICE, IDENTIFYING THE POWERS AND DUTIES OF THAT OFFICE AND RELATED LIMITATIONS THEREON, ETC.

BE IT ORDAINED, AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PARKESBURG, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

ARTICLE I

Section 1.01 SHORT TITLE

A. This Ordinance shall be known and may be cited as the "Parkesburg Borough Manager Ordinance".

ARTICLE II -

Section 2.01 CREATION OF THE OFFICE OF BOROUGH MANAGER

A. The Office of Borough Manager is hereby created by the Borough Council of the Borough of Parkesburg.

Section 2.02 APPOINTMENT OF BOROUGH MANAGER

- A. As soon as practicable after the effective date of this Ordinance, the Borough Council shall appoint for an indefinite term one person to be the Borough Manager; this appointment shall be made by a majority vote of all Borough Councilors.
- B. If a vacancy in the office of Borough Manager occurs, a replacement Borough Manager shall be appointed in accordance with the provisions of Article II, Section 2.02.A.
- C. Any person appointed as the Borough Manager shall be an "at will" employee of the Borough, and shall be subject to removal by the Borough Council at any time by a majority vote of all Borough Councilors, provided, that not less than thirty (30) days prior to any vote on such removal, the Borough Council shall notify the Borough Manager in writing of its intention to vote on his removal. The written notice required hereunder shall be sent to the Borough Manager by both certified mail return receipt requested and regular mail.
- D. Between the date the written notice required pursuant to §2.02.0 above is sent to the Borough Manager and the time of the Borough Council's vote on the Borough Manager's removal, the Borough Council May suspend the Borough Manager from duty, but shall continue his compensation.

ARTICLE III

Section 3.01 BOND

- A. After being appointed to the Office of Borough Manager, but prior to assuming and executing any duties of that Office, the Borough Manager shall give a Bond naming himself as "Principal", the "Borough of Parkesburg" as "Obligee" with a bonding company as "Surety", which said bonding company shall be approved by Resolution of the Borough Council.
- B. The amount of the Bond required by Section 3.01.A shall be in the minimum principal amount of FIFTY THOUSAND DOLLARS (\$50,000.00) or in such greater amount as the Borough Council shall determine by Resolution; the Bond shall be conditioned upon the faithful

performance by the Manager or any duties required of him pursuant to this Ordinance or by other applicable law.

Section 3.02 PREMIUM FOR BOND

A. The premium for the Bond required by this Article shall be paid for by the Borough of Parkesburg.

ARTICLE IV

Section 4.01 QUALIFICATIONS

A. Before appointing any person to the Office of Borough Manager, the Borough Council shall consider the qualifications of such person, including by way of example, and not by way of limitation, executive and administrative abilities, actual experience in or knowledge of accepted practices with respect to the duties of the Office of Borough Manager in the Commonwealth of Pennsylvania, the duties of the Office of Borough Manager as hereinafter set forth, experience in local governmental affairs, experience in the areas of human resources, finance (including Municipal Finance), community development, etc.

B. At the time of appointment, the Borough Manager need not be a resident of the Borough of Parkesburg or of the Commonwealth of Pennsylvania, but during his tenure may reside outside the municipal limits of the Borough of Parkesburg.

ARTICLE V

Section 5.01 COMPENSATION

- A. The salary of the Borough Manager shall be determined from time to time by Resolution of the Borough Council.

- B. All other perquisites and benefits which may be provided to the Borough Manager shall be determined by Resolution of the Borough Council.

ARTICLE VI

Section 6.01 GENERAL POWERS AND DUTIES

- A. The Borough Manager shall be the Chief Administrative Officer of the Borough and shall be responsible to the Borough Council as a whole for the proper and efficient administration of all affairs of the Borough placed in the Borough Manager's charge.

- B. All powers and all duties of the administration of all Borough business shall be vested in the Borough Manager, unless expressly imposed on or conferred by any applicable law, statute or ordinance on any other Borough officer or employee.

Section 6.02 NON-LEGISLATIVE AND NON-JUDICIAL POWERS AND DUTIES

- A. Subject to recall by an Ordinance duly adopted by the Borough Council, the Borough Manager shall have the following non-legislative and non-judicial powers and duties:

1. The supervision of and responsibility for the activities of all Borough departments.

2. The hiring and, when necessary for the good of the Borough, the suspending of any employees, provided that any person governed by the Civil Service provision of "The Borough Code" (the Act of February 1, 1966, P.L. 1656, No. 581, et seq., as amended) shall be hired, suspended or discharged in accordance with such provision and, provided further, that:

(a) the Borough Manager shall notify the President of Borough Council in writing within forty-eight (48) hours of each such suspension; and

(b) any person so suspended by the Borough Manager shall be entitled to a hearing, if requested, within seven (7) days from the date of such suspension, which said hearing shall be before a quorum of all Borough Councilors at a Regular or Special Meeting.

3. The preparation and submission to Borough Council, in accordance with applicable law, but no later than before the close of each fiscal year or on such alternate date as the Borough Council shall determine, a proposed budget for the next fiscal year, together with explanatory comments for each item thereon; in preparing the budget, the Borough Manager shall obtain from every department, agency, board, or officer an estimate or estimates of revenues and/or expenditures and other supporting data which he shall deem necessary for completion of the budget. Further, the Borough Manager shall review such estimates and may revise them before submitting the budget to Borough Council.

4. The administration of and responsibility for the implementation of the budget after its adoption by Borough Council.

5. The development, in conjunction with the preparation of any yearly budget,

longrange fiscal plans for the Borough, which shall be presented annually to the Borough Council for review.

6. Attending all meetings (whether Regular or Special) of the Borough Council and Committees of the Borough, with the right to participate in such meetings, provided that the Borough Manager shall receive notice of all Special Meetings of the Borough Council or any committee established by it.

7. Preparing the official agenda for each Regular Meeting of the Borough Council or Special Meeting of the Borough Council, and supplying pertinent information thereto.

8. Keeping Borough Council informed on a monthly basis of the conduct of pertinent Borough affairs, and submitting periodic reports on the fiscal condition of the Borough and such other reports as the Borough Council may from time to time request.

9. Making recommendations to the Borough on any issue which the Borough Manager deems appropriate.

10. Submitting to the Borough Council - as soon as practicable after the close of any fiscal year - a complete report on the financial and administrative activities of the Borough for the preceding fiscal year.

11. Ensuring that all franchises, leases, permits, and privileges given, granted or entered into by the Borough are duly executed and observed.

12. With the approval of the Borough Council, employ experts and consultants to perform work and supply advice in connection with any Borough function.

13. Advertising bids or causing to advertise bids, awarding contracts in due form of law, and supervising the performance and faithful execution of all such contracts, except to the extent that such duties are expressly imposed upon any upon any other Borough officer or employee.

14. Ensuring that all monies owed to the Borough for any reason are promptly paid and ensure that proper proceedings are undertaken for the security of and collection of all Borough claims.

15. Acting as "Purchasing Officer" of the Borough, and purchase - in accordance with the provisions of the Borough Code and all other applicable laws, statutes or ordinances all necessary supplies and equipment for Borough agencies, boards, departments, and such other offices or entities of the Borough, provided, however, that the expenditure by the Borough Manager of any amount in excess of FIVE HUNDRED DOLLARS (\$500.00) for any single item shall be approved by the Borough Council.

16. Keeping an account of all purchases and submit a written report of all purchases made by him to the Borough Council at the Regular monthly Council meeting.

17. Establishing Rules and Regulations governing requisition and purchasing of all municipal supplies and equipment, which such Rules and Regulations shall be approved by Resolution of the Borough Council.

18. Investigating and disposing of, or designate an officer to investigate and dispose of any and all complaints regarding Borough services, and make reports to any such complaint and the resolution thereof to the Borough Council.

19. To the extent permitted by law, enforcing or ensuring the enforcement of ordinances and regulations of the Borough upon delegation of that duty to him by the Mayor, or with the approval of Borough Council.

20. Proposing and assisting in the securing of financial aid in the form of grants and loans from any source whatsoever.

21. Proposing policies, procedures, and prospective positions pertaining to the effective administration of the Borough government and affairs.

22. Providing guidance to Borough employees and officials in the accomplishments of the objectives of their roles and capacities.

23. Performing such other duties, hold such other municipal offices, head one (1) or more municipal departments, or perform the duties of Borough Secretary if so authorized and directed by Resolution of the Borough Council.

24. Managing all Borough business not expressly imposed or conferred by statute, law or Borough Ordinance.

Section 6.03 NO OTHER POWER INTENDED TO APPLY TO POLICE DEPARTMENT

A. No power, authority or other right given to the Borough Manager pursuant to this Ordinance is intended to apply to the Parkesburg Borough Police Department (in the absence of express delegation thereof by authority from the Mayor), or to the Borough Solicitor.

ARTICLE VII

Section 7.01 DELEGATION BY MAYOR

A. Anything in this Ordinance to the contrary notwithstanding, subject to approval by Resolution by Borough Council, the Mayor of the Borough may delegate to the Borough Manager any of the Mayor's non-legislative and non-judicial powers and duties.

Section 7.02 LIMITATION ON BOROUGH COUNCIL AND MEMBERS THEREOF

A. Under no circumstances shall either the Borough Council as a whole, nor any member thereof, nor any Committee of the Borough or any member thereof, dictate or influence, or attempt to dictate or influence the hiring of any person to municipal employment or the discharge of any person from municipal employment by the Borough Manager, nor shall in any way or manner take part in the hiring, suspending or discharging of Borough employees in any administrative service of the Borough, except as required by the Civil Service provisions of the Borough Code.

B. Other than for the purposes of receiving general information, neither the Borough Council nor any member thereof, nor any Borough Committee or member thereof shall deal with the administrative services except through the Borough Manager.

C. Neither the Borough Council nor any member thereof, nor any Borough Committee or member thereof shall give orders to or otherwise direct - either publicly or privately - any subordinate of the Borough Manager.

ARTICLE VIII

Section 8.01 INCAPACITATION OF BOROUGH MANAGER

A. In the event the Borough Manager become incapacitated to such an extent which renders him incapable of performing any duties or obligations pursuant to this Ordinance, he shall promptly notify the President of Borough Council.

B. If because of incapacitation, illness or otherwise, the Manager needs to be absent from the Borough for a period in excess of seven (7) consecutive days, the Manager shall designate one qualified member of the Borough's administrative staff to perform the duties of Borough Manager during any disability, illness or absence, provided, however, that the person so designated shall not perform these duties for a period of longer than two (2) consecutive weeks without approval by Resolution by the Borough Council.

ARTICLE IX

Section 9.01 SEVERABILITY

A. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

Section 9.02 REPEAL OF CONFLICTING ORDINANCES

A. All existing Ordinance of the Borough, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9.03 PRONOUNS

A. For the purposes of this Ordinance, wherever the masculine pronoun is used herein, it shall include the feminine and vice versa.

Section 9.04 EFFECTIVE DATE

A. This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED by the Council of the Borough of Parkesburg, in a Public Meeting held the 1^{7th} day of ~~4th~~ *A ILIALLY*, 1999.

PARKESBURG BOROUGH COUNCIL
By:

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are not supported.

JPEG2000 and JBIG2 image formats
are not supported.

Jam s B. Norton, III, President

Attest
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APPROVED this _____ day of _____, 1999.
day of *7/9th*

Alan M. Wolfe, ayor