

ORDINANCE 526

BOROUGH OF PARKESBURG  
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING ORDINANCE NO. 432 THE "PARKESBURG BOROUGH MANAGER ORDINANCE" TO CLARIFY THAT – CONSISTENT WITH AND IN NO DEROGATION OF THE MAYOR'S CONTROL OF THE POLICE DEPARTMENT AND RIGHTS OF DELEGATION – THE BOROUGH MANAGER SHALL BE ENTITLED TO INFORMATION FROM AND ABOUT THE POLICE DEPARTMENT FOR ADMINISTRATIVE PURPOSES AND SHALL BE EXPRESSLY PERMITTED TO PARTICIPATE IN COLLECTIVE BARGAINING NEGOTIATIONS

WHEREAS, the Borough of Parkesburg is a municipality operating under Borough Code; and,

WHEREAS, the Borough has adopted Ordinance No. 432 of 1999 entitled "The Parkesburg Borough Management Ordinance"; and

WHEREAS, the aforementioned Ordinance sets forth various duties of the Borough Manager under Article VI. (specifying broad administrative powers and certain non-legislative and non-judicial powers and duties - the Borough Manager is charged with the administration of government, keeping the Borough Council informed, preparing information relative to the Budget, etc.); and

WHEREAS, under the Parkesburg Borough Manager Ordinance at Section 6.02A.15. there is a restriction that requires the Borough Manager to obtain approval from the Borough Council for any expenditure in excess of Five Hundred Dollars (\$500.00), which requirement is inconsistent with the general procurement regulations of State law; and

WHEREAS, the Borough Code at 8 Pa.C.S.A. §1123.1 specifies that "the Mayor shall have full charge and control of the Chief of Police and the Police Force" with authority to delegate such powers; and

WHEREAS, the Parkesburg Borough Manager Ordinance contains a Section 6.03 entitled "No Other Power Intended to Apply to Police Department" which is intended to preserve the rights of the Mayor and should not restrict the Borough Manager's access to information from the Police Department (such as information regarding the costs of operating the Police Department including wages, benefits, pension obligations, etc. and such other information as the Borough Manager may need to properly manage and administer the Borough and its Budget); and

WHEREAS, in order to clarify the relationship between the Borough Manager and the Police Department and also to clarify that the Five Hundred Dollar (\$500.00) restriction upon expenditures is unrealistic and unnecessary, the Parkesburg Borough Manager Ordinance should be amended.

NOW THEREFORE, in consideration of the foregoing, it is hereby ordained as follows:

1. Ordinance No. 432 the Parkesburg Borough Manager Ordinance Section 6.02.A.15. regarding the duties of the Borough Manager is amended as follows:

In Section 6.02A.15 the comma in the fourth line should be changed to a period. Thereafter, the following language should be stricken: "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."

2. Additionally, Section 6.03 entitled 'NO OTHER POWER INTENDED TO APPLY TO POLICE DEPARTMENT' is stricken in its entirety and replaced by the following: "Section 6.03 BOROUGH MANAGER'S RELATIONSHIP TO BOROUGH POLICE DEPARTMENT" "It is recognized that under the Borough Code the Mayor "shall have full charge and control of the Chief of Police and the Police force" and that this power includes the authority to delegate as deemed appropriate. Consistent with this right, it is recognized that the Borough Manager, without exercising control over the Police Department should, nonetheless, as part of the Borough Manager's management and administrative duties, have access to information such as reports regarding the status of the Police Department relative to wages, pension, overtime, retained benefits, etc. so as to properly assist the Borough and Borough Council in administering the Borough's budgeting obligations and responsibilities; additionally that the Borough Manager should, at all times, be permitted to participate in Collective Bargaining negotiations on behalf of the Borough Council."

3. Conflicts with statutory provisions. In all matters that are regulated by the law of the Commonwealth of Pennsylvania by regulations or regulated by departments or an agency of the Commonwealth promulgated by authority of law, such law or regulations as the case may be, shall control where the requirements thereof are the same or in excess of the provisions of this Ordinance. This Ordinance controls in all circumstances where the state requirements or the requirements of other Ordinances of the Borough are not as strict as those contained in this Ordinance.

4. Severability. If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

5. Effective date. This Ordinance shall be effective as required by the Borough Code thirty (30) days after adoption.

ENACTED and ORDAINED this

day of

, 2017 .

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KATHLEEN M. RICK, President

ATTEST:

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WENDY A. KEEGAN, Secretary

Approved this

day of

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JOHN P. HAGAN, II, Mayor