

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023- 06

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, CREATING THE POSITION OF CITY MANAGER AND PROVIDING FOR THE POWERS AND DUTIES OF SUCH OFFICE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 112A01, affords the City Council of the City of Jeannette with the power to “enact an ordinance by a majority vote of all the members of council establishing the office of city administrator”; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 112A00, provides definitions and provides that the term “city administrator” includes a city administrator or a city manager; and

WHEREAS the Third Class City Code, 11 Pa.C.S.A. § 112A02(a), provides that “in a city that has established an office of city administrator, council shall appoint an individual to be city administrator. The appointment of an individual to be city administrator shall be by a majority vote of all the members of council;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 112A02(b), provides that “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 112A03 (relating to employment agreement);” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 112A03, authorizes the City Council of the City of Jeannette to adopt and approve an employment contract or agreement with a city manager, subject to certain conditions relating to terms and timing; and

WHEREAS, the Third Class City Code, 11 P.S. § 12435, affords the City Council of the City of Jeannette with the power to enact ordinances that are “(1) [e]xpeditious or necessary for the proper management, care and control of the City and its finances and the maintenance of the peace, good government, safety and welfare of the City and its trade, commerce and manufactures; or (2) [n]ecessary to the exercise of the powers and authority of local self-government in municipal affairs.”

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Creation of Office. The office of City Manager is hereby created by the City Council of the City of Jeannette. The City Manager shall be the chief administrative officer of the City and shall be responsible to the City Council. To fulfill the administrative and management duties herein delineated, assigned, and described, the City Manager shall serve as the Deputy Director of the Departments of Public Affairs, Accounts and Finance, Public Safety, Streets and Improvements, and Parks and Public Property. Council members, acting respectively in their lawful capacity as Department Directors, may execute their direction through the City Manager.

Section 2. Appointment and Removal. The City Manager shall be appointed by a majority of all members of the City Council and shall serve at the pleasure of the City Council. Any current employee of the City of Jeannette appointed as the City Manager shall continue to be subject to any employment contract or agreement existing and in effect for such employe, unless otherwise expressly modified or terminated pursuant to the terms of such employment contract or agreement and applicable law. The terms and conditions of appointment as City Manager, (including, without limitation, compensation, benefits, assignments, and duration) including for any current employee of the City of Jeannette appointed as City Manager, shall be subject to the pleasure of the City Council or pursuant to an express, specified contract or agreement. Any employment contract or agreement for the position of City Manager shall comply with the requirements of 11 Pa.C.S.A. § 112A03.

Section 3. Qualifications. The City Manager shall be chosen solely on the basis of executive and administrative abilities which him or her to perform the duties as herein outlined. The City Manager shall have at least a four-year college degree in the field of public management or a related field, or equivalent experience. The City Manager need not be a resident of the City of Jeannette. The City Manager shall not hold any elective office in the City of Jeannette.

Section 4. Compensation. The City Manager shall receive such compensation as shall be fixed from time to time by the City Council.

Section 5. Bond. Following appointment but prior to entering upon his or her duties, the City Manager shall give bond to the City, with sufficient surety approved by the City Solicitor, to be paid for by the City in the sum of \$25,000.00 (conditioned upon the faithful performance of his or her duties).

Section 6. Powers and Duties. In addition to the powers and duties and subject to the limitations of 11 Pa.C.S.A. § 112A05, the City Manager shall have the following powers and duties:

- a. Direct and supervise all departments; responsible for the day-to-day activities and productivity of all departments. Hold weekly staff meetings with all Department heads and managers for the purpose of departmental “status reports” and information the Chief Fiscal Officer may need to review.
- b. Administer and enforce all laws and ordinances of the City, and be responsible to the City Council for carrying out all policies established by the City Council, and for the

proper administration of all affairs of the City within the jurisdiction of the City Council.

c. Make recommendations to the City Council to hire and, when necessary for the good of the City, to suspend, discharge, or otherwise discipline any employee of the City. This shall be done with the advice and consent of the department head and/or director of such employee. Persons covered by civil service provisions of the Third Class City Code shall be hired, suspended, or discharged in accordance with such provisions.

d. Prepare and submit to the City Council at or prior to the last stated meeting in November, on behalf of the Director of the Department of Accounts and Finance, a budget for the next fiscal year. This budget shall contain a budget message from the Chief Fiscal Officer which explains the budget both in fiscal terms and in terms of work programs. The message shall outline proposed fiscal policies and described important features of the budget. The budget shall be accompanied by a budget ordinance as required by the Third Class City Code.

e. Shall advise the City Council as to the financial condition of the City by providing monthly budget reports, as well as prepare/implement a financial policy and procedural manual.

f. Implement the personnel policies, procedures, and manuals of the City.

g. Prepare and post the agenda for each City Council meeting, in consultation with the Mayor and all other members of the City Council. This agenda shall be distributed by the Chief Fiscal Officer to each member of the City Council at least two (2) days prior to the meeting, along with any supporting material which would be helpful to the City Council members. The Chief Fiscal Officer shall be responsible for the proper advertising of each regular meeting and other special and other meetings of the City Council as required under the provisions of the Pennsylvania Sunshine Act.

h. Attend all meetings of the City Council; the Chief Fiscal Officer shall have the right to participate in discussions, but shall not have the right to vote and shall have no veto power.

i. Keep the City Council regularly informed through written reports of all City activities.

j. Serve as the purchasing officer for the City for all supplies and equipment and ensure compliance with all purchasing and procurement requirements of the Third Class City Code and applicable law. The Chief Fiscal Officer shall be responsible for an accurate account of all purchases and shall, from time to time, make a full report thereof to the City Council. The Chief Fiscal Officer shall prepare rules and regulations, subject to the approval of the City Council, governing the procurement of all supplies and equipment.

k. Implement any administrative code adopted by the City Council establishing the organization of each department, general responsibilities of department personnel, and

clear lines of authority and accountability.

- l. Coordinate with the elected City Treasurer and City Controller to establish and manage procedures for the handling, depositing, recording, and disbursements of City funds, including the collection of taxes and fees, payment of bills, custody of receipts, and borrowing and investment strategies.
- m. Meet with employees, and employee representatives, to resolve grievances and disputes and to negotiate contracts for the City, subject to the approval of the City Council.
- n. Coordinate, on behalf of the City Council, the work of official boards, committees, and commissions appoints by the City Council.
- o. Develop and implement facilities and procedures for the maintenance of all archives, documents, and records of the City, as provided by law, and establish a system of uniform forms to be used in the City's official business.
- p. Make recommendations concerning the nature and location of municipal improvements and executing municipal improvements as determined by the City Council.
- q. Ensure that all terms and conditions imposed in favor of the City or its residents in any law, franchise, or contract are faithfully kept and performed and, upon knowledge of any violation, informing council.
- r. Investigate, at any time, the affairs of any officer or department of the City that is under the City administrator's jurisdiction.

Section 7. Administrative Business. All action of Council relating to City employees and/or City business shall be administered through the City Manager except (i) in exigent circumstances, (ii) where prohibited by applicable law, or (iii) when expressly ordered otherwise by the City Council.

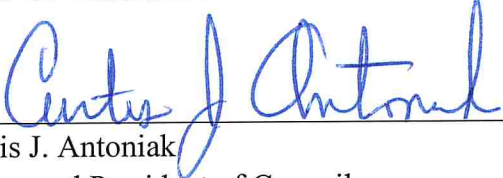
Section 8. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 9. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 10. Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 12th day of October, 2023.

CITY OF JEANNETTE

By: 
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)



Ethan E. Keedy
City Clerk