

CITY OF BEAVER FALLS ADMINISTRATIVE CODE

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PART 1. ADMINISTRATIVE CODE

Article 101. General Provisions

101.01 Name and Boundaries.

- A. Name. The City of Beaver Falls shall continue to be a municipal corporation under its present name of “City of Beaver Falls.”
- B. Boundaries. The boundaries of the City shall be the actual boundaries of the City at the time this charter takes effect and as they may be lawfully changed thereafter.

101.02 Codified Ordinances

This ordinance, upon adoption, shall become a part of the Codified Ordinances of the City of Beaver Falls.

101.03 Definitions.

The following words, when used in the Administrative Code, shall have the following meaning:

"Charter" shall mean the Home Rule Charter adopted by the voters for the City of Beaver Falls **on November 2, 2021.**

"City" shall mean the Home Rule Municipality known as the City of Beaver Falls

"City Manager" shall mean the Chief Appointed Administrative Officer of the City.

“City Building” shall mean the primary building from which the administrative operations of the City are conducted as may be designated by the Council from time to time. The current location of the City Building is at 715 Fifteenth Street, Beaver Falls, Pennsylvania, 15010.

"City Solicitor" shall mean the legal advisor and chief lawyer for the City.

“City’s Official Information Site” shall mean the website or whatever digital notification used by the City to provide formal notification and information to residents

"Council" shall mean the duly elected governing body of the City; the Mayor and Councilmembers/Council Members.

“Councilmember(s) or Council Member(s)” shall mean one (1) or more, as the context requires, of the four (4) individuals elected as Councilmembers pursuant to Article 2.2 of the Charter. The term shall not include the position of Mayor.

“Elected Officials” shall mean the Mayor and Councilmembers.

"Mayor” shall mean the Elected Mayor provided for in Article 2.1 of the Charter.

“Member(s) of the Council” shall refer to the Mayor and/or a Councilmember(s)/Council Member(s).

“Public Notice” shall mean a legal advertisement in compliance with the current laws of the Commonwealth of Pennsylvania.

101.04 Powers.

The City may exercise any power and perform any function of government not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by the Charter, by this Administrative or by the General Assembly at any time. All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provisions the City shall refer to the Third-Class City Code or other legislative laws of the Commonwealth.

101.05 Intergovernmental Relations.

The City may exercise any of its powers, transfer, delegate or perform any of its functions or responsibilities, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Federal Government, the Commonwealth, any municipality, county, or school district of the Commonwealth, municipal authority, fire company, council of governments, and any one or more states or governments of another state.

101.06 Amendments.

The provisions of this Administrative Code can only be amended by a vote of a majority of the members of Council.

101.07 Severability.

If any provisions of this Administrative Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby, and to this end the provisions of this Code are declared to be severable.

101.08 Repealer.

All ordinances and parts of ordinances heretofore enacted which are inconsistent with any provisions of this Administrative Code are, to the extent of such inconsistency, hereby repealed. The repeal of any ordinance or part thereof by this Administrative Code shall not revive any former ordinance or part thereof which may have been repealed.

101.09 Guarantees of Nondiscrimination.

The City shall not deny to any person the enjoyment of any civil right, or discriminate, or allow discrimination against any person in the exercise of any civil right because of race, color, religious belief, ancestry, gender, sexual orientation, gender identity, disability, or national origin.

101.10 Ethics Law and Conflict of Interest.

All officials and employees of the City shall be subject to the Pennsylvania Public Official and Employee Ethics Law as now in effect or as hereafter amended and the ethics rules and regulations set forth in this Administrative Code under Section ____

101.11 Eminent domain.

The City may acquire property by eminent domain, including entering upon, appropriating, taking, using and occupying private lands and property for any public purpose as authorized by the Commonwealth and subject to the duty to provide just compensation. The City shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

101.12 General Penalty

Whenever in the Codified Ordinances an act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances the doing of any act is required or the failure to do any act is declared to be unlawful, and where no specific penalty is provided for such act or failure to act, the violator may be proceeded against under this section.

- A. Such violator shall, upon conviction in a summary proceeding, be fined not more than \$1,000 for a violation of any building, housing, property maintenance, health, fire or public safety code or ordinance provision, and for any water, air and noise pollution violation; and not more than \$600 for a violation of any other ordinance provision, recoverable with costs, together with imprisonment for not more than 90 days, if the amount of such judgment and costs are not paid.
- B. This section and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to equitable or other remedies as may otherwise be available, with or without process of law.

Article 201. Elected Officials

201.01 Elected Officials Identified.

The members of Council and the Mayor shall be the only elected officials of the City.

201.02 Council Composition, Eligibility, Election, and Terms.

- A. Council. The City shall be governed by a five-member Council, elected at large to staggered four-year terms, one of whom shall be the Mayor.
- B. Mayor. The Mayor shall be independently elected at large and shall be a member of and the presiding officer of Council.
1. The Mayor shall be the official representative of the City.
 2. The Mayor shall have no veto power.
- C. Deputy Mayor. The Council shall select a Deputy Mayor from among its members to perform the presiding officer duties in the absence or disability of the Mayor.
- D. Eligibility. In order to be eligible for Mayor or Council, the candidate shall:
1. Be a registered voter for at least one (1) year prior to the filing of petitions for the primary election in which the person is a candidate;
 2. Have resided in the City for a period of one (1) year prior to the filing of petitions for the primary election in which the person is a candidate;
 3. Retain residency in the City during the term of office; and sign certificate of residency as required
 4. Forfeit the remaining term of office should she/he move out of the City.
- E. Election and Terms. The regular election of Council shall be held in the manner prescribed by the state election code.
1. Two (2) Council members shall be elected at a regular municipal election
 2. Two (2) Council members and the Mayor shall be elected at an alternate regular municipal election

3. Terms for Council members are established as four (4) years.
4. Terms of Council members shall begin on the first Monday of January of the year after their election.

201.03 Compensation; expenses.

- A. Compensation for the Mayor and Council members shall be established by ordinance no later than February 15 of the year of a municipal election. The new salary shall become effective on the date that the Mayor or Council member take office after the said election.
- B. The Mayor and Council members shall receive no other compensation, direct or indirect, for the performance of their duties.
- C. The Mayor and Council shall receive no pensions, insurance, health benefits or other forms of fringe benefits.
- D. The Mayor and Council shall be entitled to any actual expenses incurred in the performance of their duties.

201.04 General powers and duties.

All powers of the City, including any such power which may hereafter be conferred on the City by the Constitution of the United States, or by the Constitution of Pennsylvania, or by this Charter, or by Act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the City Council. Specific Council powers and duties include:

- A. To adopt an Administrative Code within one year after the Charter is approved by vote of the electorate, establishing and defining the responsibilities of City departments, agencies, and offices as well as procedures as it shall deem to be of importance in the proper and efficient operation of the City government. Council shall have the continuing authority thereafter by amendment of the Administrative Code to make changes in departmental, personnel, and administrative procedures, to create, abolish or alter any department, board, commission, agency or position, except as may be required by law or this Charter to the extent that such matters are not inconsistent with the Charter and with applicable laws.
- B. To enact, amend, or repeal ordinances and resolutions provided they do not conflict with this Charter or the laws of the Commonwealth.
- C. To appoint or remove the City Manager and City Solicitor in accordance with the provisions of this Charter.

- D. To approve the appointment of Department Directors as recommended by the City Manager.
- E. To create, alter, combine, or abolish municipal departments, bureaus, boards and commissions not otherwise specified in this Charter.
- F. To levy taxes, establish rates, and assess fees.
- G. To make appropriations, incur indebtedness, and adopt the annual and capital budget.
- H. To make or cause to be made special studies or audits as it deems to be in the best interest of the City.
- I. To hold public hearings on any matter.
- J. To appoint committees or commissions of its own members or of citizens to conduct inquiries and investigations into the conduct of any officer, department, commission, authority, or agency or any matter relating to the welfare of the City and shall delegate to such committees or commission such powers of inquiry as the Council may deem necessary.
- K. To compel the attendance of witnesses and the production of books, records, papers, documents or any other evidence at any meeting of the Council or any committee thereof, and for that purpose, may issue subpoenas signed by the Mayor.
- L. To fix the amount of fidelity bonds for officers and employees paid from municipal funds.
- M. To adopt, by resolution or motion, policies, rules, and regulations for its conduct and procedures governing the management and administration of the City.
- N. To make provision for any matter of City government not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this Home Rule form of government.

201.05 Continuing Education

The City shall offer to the Mayor and Council members the opportunity to obtain memberships in professional local government organizations, to attend training courses offered by local government training organizations, and to participate in continuing education relative to their duties and responsibilities throughout their tenure. The cost of such memberships and training shall be borne by the City.

201.06 Prohibitions.

- A. The Mayor and Council members shall not hold any elected or appointed City office other than the one to which she/he was elected or appointed.
- B. The Mayor and Council members shall not hold any compensated position of City employment.
- C. The Mayor and Council members shall not accept gifts from any persons who may gain personally from any transaction with the City.
- D. Except for the purpose of inquiry, the Mayor and Council members shall deal with the day-to-day administration of the City solely through the City Manager, and shall not give orders to any subordinate of the City Manager, whether directly or indirectly, and whether publicly or privately.

201.07 Vacancies, Forfeiture of Office, Filling Vacancies.

- A. Vacancies. The office of Mayor or individual Council member shall become vacant upon death, resignation, or removal from office in any manner authorized by law or by forfeiture of office.
- B. Forfeiture of Office. The Mayor or individual Council members shall forfeit his/her office if she/he lacks at any time during the term of office any qualification prescribed by the Home Rule Charter or by law.
- C. Filling of Vacancies.

FOR THE SOLICITOR: WHEN DOES A VACANCY OCCUR? WHEN DOES THE COUNCIL DECLARE THE OFFICE VACANT? IF A COUNCIL MEMBER OFFICIALLY RESIGNS IN WRITING, THE OFFICE CAN BE DECLARED VACANT AFTER TWO WEEKS.

- 1. Mayor: If a vacancy shall occur in the office of Mayor for any reason, the Deputy Mayor shall fill the office of Mayor at the time when the office is declared vacant by Council. Should the Deputy Mayor permanently assume

the office of Mayor, the office of the Council member who had been serving as Deputy Mayor shall become vacant and a new Deputy Mayor shall be designated thereafter. After the vacancy on Council is filled, the Council shall then follow the procedure in §2.7 (C) (2) of the Home Rule Charter to fill the vacant Council position previously held by the Deputy Mayor.

2. Council: If a vacancy shall occur in the office of Council member for any reason, the remaining members of the Council shall fill such vacancy until the next municipal election by appointing a person qualified to hold such office. If the Council shall refuse, fail, neglect, or be unable, for any reason whatsoever, to fill such vacancy within sixty (60) days after the vacancy occurs, the Court of Common Pleas shall, upon petition of the majority of Council members or of any ten (10) electors of the City, temporarily fill the vacancy by the appointment of a qualified resident of the City who shall serve until a successor is elected and seated following the next municipal election. If the number of Council members becomes less than a quorum, then the remaining members of Council shall fill the vacancies on Council in the manner set forth in this Charter.

201.08 Procedures for Meetings.

- A. Oath of Office. Each Council member, prior to assuming office, shall take and shall sign an oath of office as prescribed by the laws of the Commonwealth of Pennsylvania.
- B. Meetings. The Council shall meet regularly at least once in every month at such times and place as the Council may prescribe by public notice.
 1. The Council shall meet for a reorganization meeting during the first week of January of each even numbered year – The meeting information shall be posted on the City’s Official Information Site at least two (2) weeks in advance of the scheduled meeting.
 2. The Mayor shall serve as the presiding officer of Council.
 3. At the organizational meeting, the Council shall elect, from among its members, a Deputy Mayor.
 4. All meetings of Council at which any formal or informal vote is taken shall be public.
 5. Council may adjourn to a stated time for general business or for special business.

6. Three (3) members of Council, one of whom may be the Mayor, shall constitute a quorum. If no quorum is present at a regular or adjourned meeting, a majority of the members of Council who are present may agree upon another date and hour for a meeting, and members present may continue to agree until a meeting can be held with a quorum in attendance.
 7. Special meetings may be called by the Mayor, or in his/her absence, the Deputy Mayor, or upon the written request of three or more members of Council provided that at least 24 hours' notice is given to each Council member.
- C. Rules. The Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. The minutes of Council shall be a public record.
- D. Voting. All voting of Council shall be public.
1. Each Council member in attendance is required to cast an affirmative or negative vote unless the Council member states a conflict of interest prior to the vote on the record.
 2. Voting may be by "ayes" and "nays" unless a roll call vote is required by law or requested by a Council member.
 3. Three (3) members of Council, which may include the Mayor, shall constitute a quorum for official business.
 4. For resolutions and motions, the action of a majority of the Council members present shall constitute official action of Council.
 5. Ordinances shall be enacted by a majority of the full Council.
- E. Public Participation. The Council shall provide reasonable opportunity for public participation.
1. All persons in attendance who are not a Member of the Council, or official of the City, wishing to be recognized or heard by Council at a regular or special meeting of Council, shall no later than the time scheduled for the meeting, submit such request to Council upon an approved form.

2. Residents who are speaking on agenda items must be permitted to speak prior to official action being taken on the specific agenda item.
3. Any member of the public who wishes to comment or participate in regular or special meetings of Council or wishes to be recognized or heard by Council at such meetings must adhere to the following rules and regulations which are deemed necessary for the conduct of meetings and the maintenance of order:
 - a) Public comment shall be afforded at all local agency meetings where a quorum of the Council is present.
 - b) Public comment shall only be afforded to residents and taxpayers of the City unless otherwise permitted by Council;
 - c) Public comments on non-agenda items may be scheduled at the end of the Business meeting.
 - d) Comments shall be delivered from a point designated by Council from time to time;
 - e) The person making comment shall state his or her name and address and whether he or she is a resident and/or taxpayer of the City and the specific subject upon which he or she wishes to speak;
 - f) Oral comment shall be limited to five (5) minutes unless otherwise extended by the presiding officer of Council in cases where a reasonable opportunity to comment cannot be provided within five (5) minutes given the complexity of the subject matter;
 - g) All remarks shall be addressed to Council as a body and not to any member thereof and no questions shall be asked a Member of the Council except through the presiding officer of Council;
 - h) No person, other than a Member of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Member of the Council, without the permission of the presiding officer of Council;
 - i) The participant shall abide by the directive of the presiding officer of Council with respect to the maintenance of order and the conduct of the meeting;
 - j) All comments shall be made in a respectful manner without obscenity or threat and any conduct or comment which constitutes an attempted or actual violation of the law shall result in the immediate removal of the offending public participant from the place of the Council meeting by physical force, if necessary, and Council may, if it deems the same necessary, for the maintenance of order, exclude a public participant who continues to engage in such conduct from Council Chambers or such meeting place of Council for a reasonable period of time.

201.09 Virtual Meetings

Council may provide for the participation of Members of the Council in meetings of Council by means of telecommunication devices, including telephones or computer terminals which permit audio communication, between locations if:

- A. A quorum is established at the convening or reconvening of the meeting. If after the convening or reconvening of the meeting, a Member of the Council has been disqualified from voting as a matter of law but is still physically present, Members of the Council participating by telecommunication device in accordance shall be counted to maintain a quorum.
- B. The telecommunication device used permits the Member(s) of the Council not physically present at the meeting to:
 - 1. Speak to and hear the comments and votes, if any of the Members of the Council who are physically present as well as other Members of the Council who may not be physically present and who are also using a telecommunication device to participate in the meeting; and
 - 2. Speak to and hear the comments of the public who are physically present at the meeting.
 - 3. The telecommunication device used permits Members of the Council and the members of the public who are physically present at the meeting to speak to and hear the comments and votes, if any, of the Member or Members of the Council who are not physically present at the meeting.
- C. Council may only authorize participation by telecommunication device for any of the following reasons for physical absence:
 - 1. Illness or disability of the Member of Council.
 - 2. Care for the ill or new born in the Member's immediate family.
 - 3. Emergency.
 - 4. Family or business travel.
- D. Nothing in this subsection may be construed to limit the protection, and prohibition contained in any law or regulation relating to the rights of the disabled.

201.10 Adjournment.

A motion to adjourn shall always be in order and shall be decided without debate.

Article 301. Legislation

All official actions of the City Council shall be taken by the adoption of an ordinance, a resolution or by motion. All ordinances and resolutions must be in written form and enacted only after reasonable notice to members of City Council and to the public. Action in adopting ordinances shall be by roll call vote and the vote of each member of City Council shall be entered in the record of the meeting.

301.01 Introduction and Enactment of Ordinances

A. Ordinance Required: In addition to any other actions required by law or by this Charter, the following actions of the Council shall be by ordinance and by a majority (three members) of Council:

1. Adopting or amending the Administrative Code.
2. Establishing a fine or other penalty for violation of an ordinance
3. Levy of new taxes or increases to the rates of existing taxes.
4. Executing a borrowing instrument (note, bond, lease, or line of credit) as required by the Local Government Unit Debt Act.
5. Adoption of a Personnel system.
6. Establishing or abolishing any City department, office, or agency and related regulatory procedures for each.
7. Creating or abolishing any commission, committee, board, authority, or any other similar agency.
8. Adopting a purchasing/procurement procedure for the acquisition of products, goods, or services, for the making of contracts, and for the sale or lease of personal or real property of the City.
9. Amending or repealing any ordinance previously adopted.
10. Establishing, increasing or reducing the compensation of the Mayor or members of the Council.

Legislative acts other than those referred to above may be completed either by ordinance, resolution, or motion.

B. Ordinances Requiring a Public Hearing. No final action shall be taken on the following types of ordinances and amendments without a public hearing and at least ten (10) days prior Public Notice of said hearing published in compliance with the current laws of the Commonwealth of Pennsylvania and on the City's Official Information Site. Said notice shall furnish the time and place of the public hearing and shall state where and when copies of the proposed ordinance may be available for public inspection. Ordinances requiring public hearings shall be scheduled in the event of:

1. A public hearing is required by state or federal law.
2. Adoption of or amendment to the Administrative Code.
3. Adoption with or without amendment of ordinances proposed under the initiative power.
4. Ordinances previously adopted or repealed under the referendum power.

C. Enacting Clause: The enacting clause of all ordinances shall be: "The City of Beaver Falls hereby ordains . . ."

D. General Ordinance Requirements: Every ordinance shall contain the date of its enactment and have the municipal seal affixed to the original copy. Failure on the part of the Mayor and City Manager/City Clerk to sign an ordinance or affix the municipal seal shall not in any way invalidate an otherwise valid ordinance.

E. Ordinance Procedure. Ordinances shall be prepared by the City Manager and/or City Solicitor and shall be provided to Council in advance of the public meeting for their consideration.

1. Prior to introduction of any ordinance, the City Manager and/or City Clerk shall distribute a copy to the Mayor and each Council Member and shall file a copy in the City Manager's Office for public inspection.

2. Every ordinance shall be introduced at a Public Meeting in writing and in the form required for final adoption.
 3. Public Notice of all proposed ordinances shall be published as required by state law and made available on the City's Official Information Site, not less than seven (7) days before passage. Notice shall include either the full text or a brief summary of the proposed ordinance which lists its major provision(s) and a reference to the place within the City where copies of the full text of the proposed ordinance may be examined.
 4. The Council shall adopt all ordinances at a Public Meeting after Public Notice. Amendments, if any, shall be made by motion on the floor with the roll call taken on all amendments submitted.
 5. If the City Solicitor determines that substantial amendments are made in the proposed ordinance before voting upon enactment, the proposed ordinance shall be placed on the table, readvertised, and shall not be acted on until the next regular or special meeting of Council.
 6. Where maps, plans or drawings of any kind are adopted as part of an ordinance, said documents shall be kept on file and available to be examined by the public.
 7. When an ordinance is adopted by Council, it shall then be signed by the Mayor within ten (10) days of the affirmative majority vote, or in his or her absence or refusal to sign, the Deputy Mayor, or any other Council Member and attested by the City Manager or City Clerk.
- F. Penalty. The penalty for the violation of any ordinance shall not exceed the maximum fine established by the Commonwealth of Pennsylvania. Any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such.
- G. Publication and Effective Date of Ordinances. After adoption, all ordinances shall become a part of the City's codified ordinances. The effective date of the ordinance shall be as set forth by the laws of the Commonwealth of Pennsylvania. In the event said laws fail to set forth an effective date, then said effective date shall be ten (10) days after the ordinance is signed by the Mayor, Deputy Mayor or other Council Member, as permitted by this Charter.
- H. Recording of Ordinances. All ordinances of the City shall be retained verbatim in accordance with the Commonwealth's Municipal Records Act. Ordinances shall be available for public inspection at reasonable hours. Ordinances shall be in the

custody and control of the City Manager/City Clerk and all entries made therein shall be at the direction of the City Manager/City Clerk. **The City shall codify all adopted ordinances within six (6) months of the effective date of the ordinance.**

- I. Codes of Technical Regulation. The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. Copies of any adopted code of technical regulation shall be made available by the City Manager/City Clerk for distribution at a reasonable price.
- J. Emergency Ordinances. The Council may adopt emergency ordinances in conditions affecting life, health, property, or the public peace. Such emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility, or authorize the borrowing of money except as provided by the laws of the Commonwealth of Pennsylvania. An emergency ordinance shall be introduced in accordance with Section 3.1 (E) (2) of this Charter, except that it shall be designated as an emergency ordinance and shall contain a declaration stating the emergency that exists. The emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed at any time.

301.02 Introduction and Enactment of Resolutions

A. Except for actions required by law or by this Charter to be taken by Ordinance, the following actions of the Council may be enacted by Resolution or Motion:

- 1. Approval of agreements and contracts.
- 2. Approval of collective bargaining agreements
- 3. Establishment of annual salaries, benefits, and compensation
- 4. Establishment of fees for services
- 5. Adoption of the annual budget and amendments to the budget
- 6. Adoption of the annual Capital Improvement Plan
- 7. Appointments to boards, commissions, committees, authorities or similar agencies
- 8. All other legislative actions of Council.

- B. Enacting Clause: If by Resolution, the enacting clause shall be: “The City of Beaver Falls hereby resolves”
- C. General Resolution Requirements: Every resolution shall contain the date of its enactment, signatures by the Mayor or Deputy Mayor and City Manager/City Clerk and have the municipal seal affixed to the original copy of each resolution.
- D. Recording of Resolutions. All resolutions of the City shall be retained verbatim in accordance with the Commonwealth’s Municipal Records Act.
1. Resolutions shall be available for public inspection at reasonable hours.
 2. Resolutions shall be in the custody and control of the City Manager/City Clerk and all entries made therein shall be at the direction of the City Manager/City Clerk.
 3. In lieu of a bound Resolution book the City may provide electronic access to a catalogued version of all adopted Resolutions.

Article 401. Appointed Officials

401.01 City Manager

The City Manager shall be appointed by the Council solely on the basis of managerial, administrative qualifications, experience, and education.

401.02 Qualifications

- A. The City Manager shall have a bachelor's degree in public, municipal, or business administration or a related field.
- B. A degree in another field may be considered based on the experience of the individual.
- C. The City Manager shall have a minimum of five (5) years' experience in a management position in a local government operation.

401.03 Term of Office, Employment Agreement.

The City Manager is an "at will" employee and shall serve at the pleasure of Council. Council is authorized to enter into an employment agreement by majority vote with the City Manager that may include the following points:

- A. Term of Office. A specified period which complies with the laws of the Commonwealth of Pennsylvania.
- B. The Employment Agreement may also contain:
 - 1. Duties, Responsibilities, and Authority.
 - 2. Compensation, Benefits, and Conditions of Employment.
 - 3. Pension Benefits.
 - 4. Resignation and/or Termination Provisions.
 - 5. Severance.
 - 6. Performance Evaluation.
 - 7. Professional Development/Training
 - 8. Any other items mutually agreed upon.

- C. No terms of the agreement shall contradict the Charter, Administrative Code, Personnel Ordinance or laws of the Commonwealth of Pennsylvania.
- D. The City Manager may be removed from office by a vote of at least three (3) members of the Council at any time subject to the terms of her/his Council-approved employment agreement.

401.04 Acting City Manager.

The City Manager may name a qualified administrative officer of the City to perform his/her duties during his/her temporary absence or disability. If she/he fails to name a deputy, or, if his/her absence, incapacitation, or disability continues for more than 30 days, the Council may appoint an officer of the City or such other qualified person to perform the duties of the City Manager until she/he shall return or her/his disability ceases.

401.05 Powers and duties of the City Manager.

The City Manager shall be the chief administrative officer of the City. The City Manager shall be responsible to the Council for the administration of all city affairs assigned to him/her by this Charter or by ordinance. The City Manager shall:

- A. Provide for the enforcement of all laws and ordinances of the City.
- B. Appoint or remove all Department Directors, with the consent of the Council.
- C. Appoint or remove all other City employees as provided herein or by ordinance.
- D. Direct and supervise the administration of all departments, offices and agencies within City government, except as otherwise provided by the Charter or law, and to make recommendations to Council concerning the affairs of the City.
- E. Negotiate contracts on behalf of the City, subject to the approval of the Council.
- F. Make recommendations concerning the nature and location of City improvements.
- G. Assure that all terms and conditions imposed in favor of the City or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and shall bring violations to the attention of the Council.
- H. Oversee the preparation of the agenda for and attend all meetings of the Council with the right to take part in discussions, but without the right to vote.

- I. Make such recommendations to the Council concerning policy formulation as s/he deems necessary.
- J. Keep the Council and the public informed of the conduct of City affairs.
- K. Oversee the preparation and submission of the annual budget and budget message to the Council and oversee the administration of the budget approved by the Council.
- L. Carry out all policies established by Council for the proper administration of City affairs within the jurisdiction of the Council.
- M. Perform such other duties as may be required by ordinance or resolution of the Council.

401.06 Prohibition.

- A. The City Manager shall neither seek nor hold any elective government office while serving as City Manager.
- B. The City Manager shall not accept gifts from any persons or entities who may gain personally from any transaction with the City. “De minimus” gifts are not included in this prohibition.

401.07 Departmental Accountability.

All departments, offices, and agencies under the supervision of the City Manager shall be administered by a Department Director appointed with the consent of Council. The City Manager may serve as Department Director of one or more departments, offices, or agencies or may appoint one Department Director as the head of two or more departments or agencies.

401.08 Bond

The City Manager shall annually provide a lawful fidelity bond in an amount to be approved by the Council. The premium of the bond shall be paid by the City.

402.01 Chief Financial Officer (CFO)

Council shall provide for the office of Chief Financial Officer (CFO) and shall set forth specific duties and responsibilities in the Administrative Code. The CFO shall be appointed on the basis of financial and accounting qualifications, education, and experience

and special consideration shall be given to applicants with training and experience in municipal government operations in the area of public finance.

402.02 Appointment, qualifications

- A. Appointment. The CFO shall be appointed by the City Manager with the consent of Council and shall act as the Department Director of the City's Finance Office.

- B. Qualifications. The CFO shall be generally competent in accounting practices, possess a strong governmental accounting background and be knowledgeable, experienced and current in public finance.
 - 1. The CFO shall have at minimum a bachelor's degree in Finance, Accounting, or Public or Business Administration from an accredited four-year college or university.

 - 2. A degree in another field may be considered based on the experience of the individual.

 - 3. The CFO shall become a member of the Government Finance Officers Association or successor organization.

402.03 Appointment of Assistants.

With the approval of the City Manager, the CFO shall hire assistants, personnel, and consultants as are necessary to carry out all the duties and assignments of the City's Finance Office and as appropriated in the annual budget.

402.04. Duties and Responsibilities

The CFO shall be responsible for the City's overall financial management operation.

- A. The CFO shall collect all taxes and fees as authorized by Council, except as otherwise proscribed by law.

- B. The CFO shall be responsible for the performance and oversight of the City's Financial Management System.

- C. The CFO shall be responsible for the preparation of the annual operating budget and capital improvement plan under the direction of the City Manager.

- D. The CFO shall prepare and submit regular financial reports to Council and the City Manager, including but not limited to budget performance, cash flow, and balance sheets.

- E. The CFO shall provide for secure deposits of all City funds in depositories approved by the Council and shall provide for lawful investment of idle funds.
- F. The CFO shall prepare the financial reports and material for the annual audit in a timely manner so as to meet the deadlines set forth in Section 8.14 of the Charter.

402.05 Prohibitions

- A. The CFO shall not hold any elected governmental office while serving as the City's CFO.
- B. The CFO shall not accept gifts from any persons who may gain personally from any transaction with the City.

402.06 Bond

The CFO shall annually provide a lawful fidelity bond in an amount to be approved by the Council but at least in an amount sufficient to cover the amount of the taxes on the real estate duplicate. The premium of the bond shall be paid by the City.

403.01 City Solicitor

Council shall appoint a legal officer who shall serve as chief legal adviser to the City Council, City Manager and all municipal departments, offices, and agencies of the City. The City Solicitor shall perform any other duties prescribed by this Charter, by ordinance, or other applicable law.

403.02 Appointment, Qualifications, and Compensation.

- A. Appointment. Council, by a vote of at least three (3) members of the Council, shall appoint a Solicitor for an indefinite term. The City Solicitor may be one person or a law firm, partnership, association, or a similar professional entity.
- B. Qualifications. The Solicitor must be an attorney licensed to practice law in the Commonwealth of Pennsylvania.
- C. Insurance. The Solicitor must maintain an appropriate amount of malpractice insurance as determined by Council.
- D. Compensation. The Solicitor shall be appointed either on a full-time basis or a part-time basis or on a retainer basis or a combination thereof. The Solicitor shall be compensated as provided by Council in the annual budget and shall not receive fringe benefits of the City unless the City Solicitor is hired as a full-time employee.

403.03 Powers and Duties.

The Solicitor shall be the chief legal officer of the City and shall be responsible for the following specific duties:

- A. Attend Council meetings as required.
- B. Furnish formal legal opinions when requested to the Council and the City Manager on any matter arising in the exercise of their official powers and duties.
- C. Except as otherwise expressly provided by the Council, supervise, direct, and control all the legal work of the City.
- D. Approve all contracts, bonds, and other legal instruments.
- E. Prepare, review, or assist in the preparation of any ordinance, resolution, or agreement upon the request of the Council or City Manager.

403.04 Special Counsel

Council may, at its discretion, retain special counsel for particular proceedings or matters of the City and shall provide for the compensation of special counsel. Special counsel shall coordinate legal proceedings with the City Solicitor.

403.05 Removal

The Council may, by a vote of at least three (3) members of the Council, remove the City Solicitor, assistant City Solicitors and/or any special counsel at any time, with or without cause.

404.01 City Clerk

The City Manager may, with the consent of Council, appoint a City Clerk for an indefinite term. The position may be combined with the position of City Manager or another position in City government.

404.02 Removal.

The City Manager may, with a vote of at least three (3) members of the Council, remove the City Clerk at any time, with or without cause.

404.03 Powers and duties.

The City Clerk, if appointed, shall:

- A. Keep full minutes of Council meeting proceedings.
- B. Transcribe the bylaws, rules, regulations, resolutions, and ordinances into appropriate books kept for those purposes.
- C. Preserve the records and documents of the City.

- D. Have custody of the corporate seal.
- E. Certify copies of any book, paper, record, bylaw, rule, regulations, resolution, ordinance or other proceedings of the City under the seal of the City.
- F. Attest to the execution of all instruments.
- G. File or record proof of service of all notices required by law or ordinance.
- H. Deliver to the successor the seal and all the books, papers and other records and matters belonging to the City.
- I. Perform such other duties as are required by the City Manager.

Article 501. Administration Generally

501.01 Schedule of Organization.

- A. The administrative functions, powers and the duties of the City shall be under the direction and supervision of the City Manager and shall be divided into six (6) departments, headed by a director, as follows:
1. Department of Administration. A department responsible for the implementation of sound governmental, administrative, centralized purchasing, revenue collection, fiscal and personnel policies for the orderly administration of City government to include the functions of the City Manager, the Chief Financial Officer, the City Solicitor and any other administrative officer not otherwise assigned.
 2. Department of Public Works, Parks, and Recreation. A department responsible for the functions of construction, maintenance and operation of all City facilities.
 3. Department of Police. A department responsible for all police services required in the protection of all persons and property within the City.
 4. Department of Fire. A department responsible for the normal services of fire protection to the residents of the City and their property, and shall also include responsibilities relative to emergency management.
 5. Department of Community and Economic Development. A department to include those functions necessary for the conduct of the City's responsibilities in the economic, social and individual environment of the community.
 6. Department of Code Enforcement. A department to include those functions necessary for the systematic enforcement and revision of all City ordinances dealing with the health, safety and welfare of the community and such other responsibilities as may be delegated by the City Manager from time to time to the Department of Code Enforcement.
- B. The City Manager shall prepare and maintain a schedule or organizational chart indicating a specific description of activities to be performed by each department, bureau, office or agency, and the number and kind of employees necessary for the performance of the department's duties. The organizational chart shall be approved by Council annually as part of the budget process. The organizational schedule shall include copies of the most recent collective bargaining agreements.

501.02 Department Directors Generally.

- A. Appointment and qualification. The directors of the departments shall be appointed by the City Manager with the advice and consent of Council. Directors shall be chosen solely on the basis of executive and administrative qualifications appropriate to the duties of their department.
- B. Removal. Directors may be removed at any time by the City Manager with the

consent of at least three (3) Members of the Council.

- C. Vacancies. Should a vacancy exist with any department director position, the City Manager may immediately appoint an acting department director in order to prevent stoppage of public business, or loss, hazard, or serious inconvenience to the public, and it is impracticable to fill such a position under any other provision of this article. Any such appointment shall expire automatically ninety (90) days from the date of the appointment. The acting director must meet the qualifications of the applicable Director position pursuant to this Administrative Code and other ordinances of the City. During the tenure of said acting director, the City Manager must continue the process of naming a permanent department director, unless at the City Manager's request to Council and through Council's approval via resolution, it is determined that the process for naming a permanent department director may be filled during the ninety (90) day tenure of the acting director. No person can be named to any acting department director's position more than one time during any twelve (12) month period.
- D. General Duties of Directors. Under the direction of the City Manager, each director of a department shall:
1. Direct the performance of all duties and responsibilities required of his/her department or its subordinate agencies provided by State law, the Home Rule Charter, this Administrative Code or other ordinances of the City, and such other duties as may be required by the City Manager which are not in conflict with law or ordinances.
 2. Appoint, suspend, discipline or remove, with approval of the City Manager, all subordinate officers or employees within their respective departments subject to limitations prescribed under civil service or under the personnel management procedure established by City ordinance.
 3. Be immediately responsible to the City Manager for the effective administration of his department and all activities assigned to it.
 4. Submit to the Council quarterly reports concerning the planning and performance of his/her department and such other reports as the City Manager or Council may request.
 5. Provide, under direction and with approval of the City Manager, to any other department or subordinate agency such service, labor, materials, and equipment as may be requisitioned by such department or subordinate agency, and as its own facilities permit, through the procedures and subject to the same audit as other expenditures incurred.
 6. Keep informed on advances in administrative and operational practices in the respective department field and institute within his department

those practice s/he deems in the best interest of the City.

Article 601. Personnel Provisions

601.01 General provisions.

- A. Existing Departments. All departments, offices, and agencies in existence at the date of enactment of the Home Rule Charter, unless contrary to this Charter, shall continue to operate until the Council provides otherwise.
- B. Creation of Departments. The Council may establish municipal departments, offices, or agencies in addition to those created by the Home Rule Charter and may prescribe the function of all departments, offices, and agencies.
- C. Direction by City Manager. All departments, offices and agencies shall be under the direction and supervision of the City Manager.

601.02 Purpose.

The general purpose of this article is to establish a system of personnel administration that meets the social, economic and program needs of the employees of the City. This system provides the means to recruit, select, develop and maintain an effective and responsive work force and includes guidelines for employee hiring and development, training and career development, job classification, salary administration, fringe benefits, discipline, discharge and other related activities. All appointments and promotions in the City service shall be made without regard to gender, race, sexual orientation, religion, or political affiliation and shall be based on merit and fitness.

601.03 Declared personnel policy.

In accordance with the above stated general purpose of this article, it is hereby the declared personnel policy of the City that:

- A. Employment in the City government shall be based on merit and fitness, free of personal and political considerations.
- B. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City government.
- C. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis subject to Civil Service Rules and Regulations and the collective bargaining agreements.

- D. Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic evaluation of merit and fitness.
- E. Tenure of employees covered by this article shall be subject to good behavior, the satisfactory performance of work, necessity for the work performed, and the availability of City funds.

601.04 Scope of personnel system; exempt employees

- A. This article applies to all positions in the City's public service now existing or hereby established except the following which shall be exempt:
 - 1. All elected officials and members of boards and commissions.
 - 2. Volunteer personnel and personnel appointed to serve without pay.
 - 3. Consultants and legal counsel rendering professional services.
 - 4. Positions involving seasonal or part-time employment.
 - 5. Confidential and/or key policy determining positions that are specifically placed in the exempt service by the personnel rules.
- B. Positions may be created from time to time in order that the City might establish or participate in job development or job training programs.
- C. The scope of this personnel system shall include all other positions in the City service that are not specifically placed in the exempt service.
- D. Nothing herein shall be construed as to preclude the Council from filling any position in the manner set forth in this ordinance subject to Civil Service Rules and Regulations and the collective bargaining agreements.
- E. Should a vacancy occur in any position, the City Manager, with the consent of Council, shall have the power to make a temporary appointment to that vacancy. Temporary appointments shall not exceed a period of 90 days, except in the case of the City Manager/Chief Financial Officer in which case the period shall not exceed 120 days.

601.05 Administration by City Manager

- A. The personnel programs established by this article shall be administered under the direction of the City Manager with the advice and consent of Council. The City Manager - or a subordinate employee knowledgeable in personnel administration appointed by the City Manager shall:
1. Direct all administrative and technical activities, administer all provisions of this article and the personnel rules and perform any other lawful acts which may be necessary or desirable to carry out the purposes and provisions of this article.
 2. Encourage and exercise leadership in the development of effective personnel administration within the several departments of the City.
 3. Knowledgeable of the Civil Service Commission process and provide support and resources.
 4. Prepare and recommend revisions and amendments to the personnel rules.
 5. Advise the City Council on manpower utilization.
 6. Foster and develop programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.
 7. Establish and maintain records of all employees in the government service, in which there shall be set forth as to each employee the class, title, pay or status, and other related information.

601.06 Certification of payroll reports

There shall be at least two certifications of the City's payroll reports. The City Manager and his/her authorized agent shall be responsible for certification of the payroll reports to ensure that the persons named therein have been appointed and employed in accordance with the provisions of this Administrative Code and the City policies.

601.07 Contract for technical services.

Council, with or without the recommendation of the City Manager, may contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.

601.08 Employee Manual.

- A. The City Manager shall draft personnel rules issued as an Employee Manual. The City Manager may contract with any qualified person or firm as may be necessary to carry out the provisions of this article. The Employee Manual shall be submitted for consideration, review, and adoption by resolution of Council. The Employee Manual shall have the force and effect of law. Amendments to the Employee Manual shall be made from time to time at the recommendation of the City Manager by Resolution of the City Council.
- B. Among other things, the Employee Manual may provide the following:
1. The annual compensation plan in conjunction with the annual budget
 2. A process for the recruitment of capable persons, the use of fair, open evaluations or competitive examinations to determine the relative fitness of applicants subject to Civil Service Rules and Regulations and the collective bargaining agreements.
 3. The establishment of promotional procedures which give appropriate consideration to the applicant's qualifications, education, experience, record of performance, seniority, and ability.
 4. The establishment of a period of probation (???) upon appointment or promotion prior to permanent appointment subject to the Civil Service Rules and Regulations and the collective bargaining agreements.
 5. Employee participation in job development programs that provide career development opportunities.
 6. Performance evaluation procedures for employees in the City organization.
 7. A process for staff reductions as a result of lack of funds or work, or elimination of a position, or material change in duties or organization, and for re-employment of employees who are furloughed.
 8. Establishment of a plan for resolving employee grievances and complaints.

9. Development and oversight of disciplinary measures such as suspension, demotion in rank or grade, or discharge. Such measures shall provide for presentation of charges, hearing rights and appeals for all permanent employees in the City organization subject to the Civil Service Rules and Regulations and the collective bargaining agreements.
 10. Establishing hours of work, holidays, and attendance regulations.
 11. Establishing, informing, and publicizing fringe benefits such as insurance programs, retirement, and leave policies.
 12. Operation of programs to improve work effectiveness, including training, safety, health, welfare, counseling, recreation and employee relations.
 13. Other policies and procedures that are consistent with this article as may be proper and necessary for its enforcement and the systematic handling of the personnel affairs of the City.
- C. The City shall strive to provide opportunities for members of disadvantaged groups, physically challenged persons, and returning veterans.
- D. The Employee Manual shall be reviewed and updated on an annual basis and as otherwise needed.
- E. The Employee Manual shall have a employee sign-off form and training shall be scheduled as needed.

601.09 Examinations and evaluations.

- A. Original appointments to vacancies occurring after this article becomes effective shall be based on merit as determined by competitive examinations and fair, open evaluations for all skilled positions in the organization.
- B. Examinations and evaluations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed, and may not include any inquiry into the political or religious affiliations or race of any candidate.
- C. Open examinations for all positions above the entry level are authorized except where prohibited by State statute.

1. Non-uniform promotions are based on application and posting of the position.
2. Police and fire department promotions are based on Civil Service Rules and Regulations.
3. Part-time positions are based on application, review, and evaluations when necessary.

601.10 Probation.

Uniform employees appointed from original appointment eligible lists or from promotional eligible lists shall be subject to a period of probation as set forth in the Civil Service Rules and Regulations and in accordance with the existing collective bargaining agreement.

- A. For non-uniform positions, the regular period of probation **shall be six months**, provided that the personnel rules and collective bargaining agreements may specify a longer or shorter period of probation for certain designated job classes, or for extension of the probation period in individual cases. No probationary period may extend beyond 12 months.
- B.** The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards satisfactory to the appointing authority, the appointing authority may remove or demote the probationer at any time during the probationary period. **Such removals or demotion shall not be subject to review or appeal. (CHECK WITH SOLICITOR.)**
- C. An employee shall be retained beyond the end of the probationary period and granted permanent status only if the Department Director and/or City Manager affirm that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status.

601.11 Training.

It shall be the policy of the City to encourage the improvement of service by providing employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service including but not limited to college credits in any field.

601.12 Separations; appeal and hearing.

- A. The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties.

- B. Any employee may be temporarily separated by layoff or suspension; or permanently separated by resignation or dismissal.
- C. Whenever there is lack of work or lack of funds that requires reductions in the number of employees in a department or division of the City government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off by lowest seniority, as determined by rules governing the evaluation of service.
- D. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employee.
- E. A permanent employee may be suspended or demoted whenever in the judgment of the Department Director and City Manager the employee's work or misconduct justifies disciplinary action short of dismissal subject to the Civil Service Rules and Regulations for uniform employees and in accordance with the respective collective bargaining agreements.
- F. An employee may resign by submitting a letter of resignation to his/her immediate supervisor and should provide two (2) weeks notice.

601.13 Employee Records

The City Manager, or his/her designee, shall maintain or cause to be maintained the examination record of every candidate and the employment record of every employee.

601.14 Protection of legitimate political activity of employees.

[FOR REVIEW BY THE SOLICITOR]

- A. All employees of the City shall be protected against any unwarranted infringement of their rights as American citizens to vote as they choose, to express their opinions in private, and to join any legitimate political organization whose purposes are not inconsistent with their loyalty to the United States.
- B. It shall be unlawful for any official in the service of the City to reward or to discriminate against any applicant for a position or any employee on the basis of his political affiliations or political activities as permitted by this section, except

as such affiliation or activity may be established by law or this article as disqualification for employment by the City.

C. The City Manager is hereby authorized and directed to establish an appeals and complaints procedure whereby any City employee who feels that, in violation of this article, he has been intimidated into political activities or because of his/her failure to engage in such activities, may lodge an appeal or complaint with the City Manager without jeopardizing his future employment.

D. Actively working on a campaign by persons any City office, building or premises during working hours or while on duty or using a City owned vehicle or equipment is hereby prohibited.

E. No person holding a position in the City organization shall be required by any person or organization to make any contribution to the campaign funds of any political party or any candidate for public office or shall be required to take part in any campaign on behalf of a candidate for local or State political party or other group which sponsors candidates for election to local or State public office.

601.15 Prohibited practices.

A. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this article, or in any manner commit or attempt to commit fraud preventing the impartial execution thereof or of the personnel rules adopted pursuant to this article.

B. No person shall either directly or indirectly pay, render or give any money, service or other valuable thing to any person for on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned.

C. No officer or employee of the City shall knowingly defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this article, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the competitive service.

Article 701 Departments of the City

701.01 Police Department and Police Chief

- A. The Department of Police shall be responsible for all police services required in the protection of all persons and property within the City.
- B. The director of the Department of Police shall be the Chief of Police. He shall have at least 10 years' experience with a police department working as a law enforcement officer.
- C. The Police Chief shall be appointed by the Manager with the advice and consent of Council.
- D. The Police Chief shall be capable of administering all facets of Police Department administration, have a knowledge of accepted law enforcement practices and procedures, and possess suitable leadership qualities and acceptable personality traits.
- E. The Police Chief shall be appointed for an indefinite period.
- F. The Police Chief may be removed by the City Manager or by the consent of at least four (4) members of Council.
- G. The Police Chief shall not participate in the conduct of any political or election campaign other than to exercise his/her own right of suffrage.

701.02 Appointment, Promotion and Reduction of Force.

- A. Every position for permanent employment in the police department shall be filled by the City Manager from the list of eligible candidates in accordance with the provisions of the Civil Service Rules and Regulations of the City established before and after the effective date of the Charter.
- B. All provisions of the Third Class City Code that confer powers or duties upon the Mayor or Council relative to the police department shall be exercised by and such duties performed by the City Manager.

701.03 Authority.

Police officers employed by the City shall have all the powers and authority conferred on police officers of all municipalities of all classes by action of the PA General Assembly.

701.04 Department Responsibilities

The areas of responsibility of the Department shall include the following:

- A. Traffic.

- B. Investigation.
- C. Animal Control.
- D. School Safety.
- E. Patrol.
- F. Narcotics.

701.05 School Crossing Guards.

- A. The employment of school crossing guards is hereby authorized as provided for in the City budget with control thereof vested in the Police Chief.
- B. Persons employed as school crossing guards shall perform no services other than services to educational institutions within the City through the provision of protection of students at intersections within the City.
- C. This article shall in no way affect the employment rights, duties or obligations of any person, but shall constitute a statement of clarification of employment status of persons employed as school crossing guards.

701.06 Part-Time Police Officers

The City Manager may appoint part-time police officers in accordance with the Civil Service Rules and Regulations adopted by the City before and after the effective date of the Charter and consistent with the laws of the Commonwealth.

701.07 Special Police.

The City Manager may appoint qualified special police with full police powers and jurisdiction for the duration of any declared emergency in which the safety and welfare of the City and the public is endangered.

701.08 Reporting

The Director shall provide a monthly written report on the status of activities, contracts, and budgets for the monthly Council meeting.

702.01 Fire Department and Fire Chief

- A. The Department of Fire shall be responsible for the normal services of fire protection for the residents of the City and their property, and shall also include responsibilities relative to emergency management.
- B. The director of the Department of Fire shall be the Fire Chief. He shall have at least ten (10) years of firefighting experience.
- C. The Fire Chief shall be appointed by the Manager with the advice and consent of Council.
- D. The Fire Chief shall be capable of administering all facets of fire department administration and shall have knowledge of accepted fire practices and procedures, and shall have suitable leadership qualities and management skills.
- E. The Fire Chief shall also serve and act as Fire Marshal and Emergency Management Coordinator with all the powers given by law to those position.
- F. The Fire Chief shall be appointed for an indefinite period.
- G. The Fire Chief may be removed by the City Manager or with the consent of at least four (4) members of Council.
- H. The Fire Chief shall not participate in the conduct of any political or election campaign other than to exercise his/her own right of suffrage.

702.02 Appointment, Promotion and Reduction of Force.

- A. Every position for permanent employment in the fire department shall be filled by the Manager from the list of eligible candidates in accordance with the provisions and procedures of the Civil Service Rules and Regulations of the City established before and after the effective date of the Charter.
- B. All provisions of the Third Class City Code that confer powers or duties upon the Mayor or Council relative to the fire department shall be exercised by and such duties performed by the City Manager.

702.03 Department Responsibilities

The Department of Fire shall be organized in accordance with recognized sound principles of administration of fire departments generally, and shall include firefighting,

fire prevention, community education, rescue operations, emergency medical services (EMS) and emergency management.

702.04 Responding to Fire Calls Outside the City.

- A. No City firefighter, while on duty and in the course of his employment, shall be permitted to authorized to go, or to take any equipment of the City, outside of the City limits of the City, unless s/he has been specifically authorized thereto as provided in this section.
- B. Any fire company organized and existing in any municipality in Beaver County outside the City may authorize the execution of mutual aid agreements to act as to solicit aid from the City’s Department of Fire in time of actual need. When such mutual aid agreement has been filed approved by Council, the Fire Chief, or the person lawfully delegated by him/her at any time to direct the City’s Department of Fire , may send firefighters to the aid of the fire company requesting such mutual aid, and in answering that call and returning from it, any City employee so directed to go outside the City limits, shall be acting in the course of his employment as a City firefighter.
- C. In sending firefighters of the Department of Fire outside the City limits, the Fire Chief or other officer, whom s/he shall delegate to exercise that authority, may permit the members of the City’s Department of Fire to take with them outside the City limits for the purpose of answering a mutual aid call any fire equipment of the City, which s/he believes would be necessary and essential to give the best aid possible to the fire company asking for such aid.

702.05 Part-Time Firefighters

The City Manager may appoint part-time firefighters in accordance with the Civil Service Rules and Regulations adopted by the City before and after the effective date of the Charter and Administrative Code.

702.06 Fire Marshall

- A. The Council may, by ordinance, provide for the creation of the office of Fire Marshall, who shall be appointed by the Manager with the advice and consent of Council and who may be the Fire Chief or another member of the fire department.
- B. The powers and responsibilities of the Fire Marshall shall be in accordance with the provisions and procedure of the Third Class City Code.

702.07 Reporting

The Director shall provide a monthly written report on the status of activities, contracts, and budgets for the monthly Council meeting.

703.01 Department of Public Works and Parks

The Department of Public Works shall be responsible for the construction, maintenance and operation of all the facilities owned by the City. The Department shall contain manpower, equipment, and material and supplies from which appropriate assignments shall be made for the performance of activities.

- A. The City Manager shall appoint the director of the Department of Public Works and Parks with the advice and consent of Council.
- B. The Director of the Department of Public Works shall have at least five (5) years of experience and be qualified in the administration of public works and parks maintenance activities.

703.02 Department responsibilities

The area of responsibilities for the Department shall include construction, maintenance and operation of the following:

- 1. Streets, including maintenance of surface, grade and curbing, street cleaning and snow removal.
 - 2. Storm sewers and inlets.
 - 3. Public buildings, parks, and grounds including all equipment and fixtures.
 - 4. Maintenance of all City vehicles and self-propelled equipment.
- C. All hiring, promoting, disciplining, and other employment practices shall be under the control of the City Manager.

703.03 Reporting

The Director shall provide a monthly written report on the status of activities, contracts, and budgets for the monthly Council meeting.

704.01 Department of Community and Economic Development

The Department of Community and Economic Development shall be responsible for the administration and coordination of programs, projects and activities relating to and in support of community, housing, and economic development. The department shall employ required technical and professional staff and consultants, provided sufficient funds are budgeted and approved by Council.

- A. The City Manager shall appoint the director of the Department of Community and Economic Development with the advice and consent of Council.
- B. The Director shall be an individual who is a qualified and experienced administrator knowledgeable in matters of community development.
- C. The person selected shall meet the following threshold qualifications:

1. Graduation from an accredited college or university with a Bachelor's Degree with work in economics, public or business administration or a related field plus two (2) years of professional experience in the community or economic development aspects of municipal management.
2. Any equivalent combination of experience and training which provides the required knowledge, skill, and abilities may be considered.
3. Must be able to travel throughout the City and other parts of the State for training workshops, conferences and meetings with funding sources.

704.02 Departmental Responsibilities

The duties of the Department of Community and Economic Development shall include, but are not limited, to the following:

- A. Plan and formulate a variety of community development activities and programs related to housing, public facilities and improvements, economic investment and development;
- B. Coordinate the preparation of applications for funding of specific projects and/or programs;
- C. Prepare reports on funding availability and progress on approved funded projects and programs;
- D. Work with other City departments and local agencies in identifying community programs and needs along with assisting the City Administrator and Council in establishing priorities for funding;
- E. Conduct public meetings with citizen and neighborhood organizations;
- F. Maintain liaison with County, State and Federal agencies and officials.
- G. Address economic development initiatives identified in the City's Act 47 Recovery Plan and Exit Plan along with other related initiatives.

704.03 Reporting

The Director shall provide a monthly written report on the status of activities, contracts, and budgets for the monthly Council meeting.

705.01 Department of Code Enforcement

The Department of Code Enforcement shall be responsible for the systematic enforcement of all City ordinances which deal with the health, safety, and welfare of the community including but not limited to the International Property Maintenance Code (IPMC).

- A. The City Manager shall appoint the Director of Code Enforcement with the advice and consent of Council.

- B. The individual selected shall be a graduate of an accredited college or school with a degree in business administration, engineering, public administration, urban planning, safety inspection, general contracting, skilled labor, community development, organizational development, management, program administration, or similar field.
- C. In lieu of the above educational requirements, the individual selected shall have at least five (5) years of experience in code enforcement or in at least one of the fields set forth above, or similar field.
- D. The individual selected shall also have a foundation and experience using and working with technology.

705.02 Department Responsibilities

The areas of responsibility of the Department of Code Enforcement shall include housing, fire, sanitation, building, zoning, and other environmental code enforcement programs including but not limited to the Uniform Construction Code (UCC), the International Property Maintenance Code (IPMC) and the Municipalities Planning Code (MPC).

- A. The director of the Department of Code Enforcement shall be responsible to enforce and administer all of the provisions of this article and of those other applicable codes and ordinances which establish the Department of Code Enforcement as their official administration and enforcement authority.
- B. The duties of the code enforcement officers shall include: the issuance of all necessary notices and orders to abate illegal and unsafe conditions to insure compliance with this article, and those other applicable codes and/or ordinances for the safety, health and general welfare of the public; the making of inspections to determine compliance with the applicable codes and ordinances; the undertaking of investigations, and other activities as may be required.
- C. The director of the Department of Code Enforcement shall have such power as may be necessary in the interest of public safety, health and general welfare to interpret the intent of the applicable codes in specific cases where it clearly appears that by reason of special conditions, undue hardship would result from a literal application of any section of the applicable codes.

705.03 Office Records

- A. An official record shall be kept of all business and operational activities of the Department of Code Enforcement and all such records shall be open to the public for inspection at all appropriate times, except that no individual, owner, operator, occupant or other person shall be subject to unwarranted invasion of privacy, and except that all evidence or information shall not be disclosed except as may be necessary in the judgment of the code enforcement officer for the proper and effective administration and enforcement of the provisions of this article and shall not otherwise be made public without the consent of the owner, occupant, operator

or other person in charge of the unit, structure or premises inspected. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

705.04 Reporting

The Director shall provide a monthly written report on the status of activities, contracts, and budgets for the monthly Council meeting.

Article 801. Fiscal Procedures

801.01 Fiscal year.

The fiscal year of the City shall begin on the first day of January and end on the last day of December.

801.02 Preparation of the operating budget.

- A. No later than November 1 of each year the City Manager shall present to Council for first reading a proposed budget ordinance and an explanatory budget message. The budget message shall explain the budget both in fiscal terms and in terms of the work to be done. It shall describe the important features of the budget; indicate any proposed major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the City's debt position; and include such other material as the City Manager deems desirable.
- B. The preparation of the budget shall be performed by the Chief Financial Officer who shall obtain beforehand, from the head of each department or agency, estimates of revenue and expenditures of that department or agency for the following year, and such other supporting data as he/she may request.
- C. All estimates supplied by the head of any department or agency shall be reviewed by the City Manager and Chief Financial Officer and may be revised by him/her in any manner he/she may deem advisable.
- D. The budget shall provide a complete financial plan for the budget year. The budget shall begin with a general summary of its contents. It shall show in detail:
 - 1. All estimated income, indicating the proposed tax levies;
 - 2. All proposed expenditures including debt service for the next fiscal year; and
 - 3. Comparative figures for actual and estimated income and expenditures of the current year and, at minimum, the two (2) preceding fiscal years.
- E. The budget shall be presented in a form that is consistent with the DCED Chart of Accounts for all funds.
- F. Total proposed expenditures shall not exceed the total estimated revenue in each fund.

801.03 Budget a public record.

No later than November 1 and at the same time the proposed budget is presented to Council for first reading, sufficient copies of the budget and the budget message shall be filed in the office of the City Clerk/City Manager and published on the City's Official Information Site and made available to the public for their examination.

801.04 Council action on operating budget.

- A. Upon introduction and as provided in §9.8 of the City's Home Rule Charter, the City Council may consider the proposed budget, as submitted by the City Manager, and shall fix a date for final adoption which shall occur no later than December 31.
- B. Council shall provide notice that the budget is available for inspection by posting a copy of the proposed budget on the City Official Information Site not less than ten (10) days before adoption of the budget and shall consider fully the comments of City residents.
- C. The budget shall be presented at a public meeting of Council. After publication of notice of its intent to adopt the budget, Council may adopt the budget with or without amendments. In amending the budget, Council, by a vote of three (3) members, may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for an estimated cost deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.
- D. The budget shall be adopted by Resolution by an affirmative vote of the majority of all the members of Council on or before December 31. In the event that a new budget is not adopted by December 31 in the current fiscal year, the prior year budget levels and appropriations shall continue in full effect until a new budget is adopted.
- E. The Council may amend the budget by Resolution during the fiscal year for which the budget is adopted, providing that any amendment shall fall within the City's estimated income at the time of the amendment. Council shall have the power to make such supplemental appropriations from funds received during the fiscal year and not appropriated to any other purpose or from the proceeds of any borrowing now or hereafter authorized by law.
- F. In the event that a new budget is not adopted by December 31 in the current fiscal year, the prior year budget levels and appropriations shall continue in full effect until a new budget is adopted.

801.05 Taxation limits

- A. Concurrently with the adoption of the annual budget, the Council shall adopt, by ordinance, the annual tax levies after public notice. For purposes of this section, public notice shall be a legal advertisement once in a newspaper of general circulation no longer than ten (10) days prior to the date of adoption.
- B. The public notice shall state where and when copies of the proposed ordinance may be available for public inspection and shall be posted on the City's Official Information Site.
- C. Subject to the applicable provisions of state law, the Council, in its sole discretion

shall determine the rates of all taxes. In any fiscal year, the additional revenue derived from a combination of real estate taxes, earned income taxes, and deed transfer tax shall not exceed 10% over the previous year.

- D. The adoption of a real estate tax levy ordinance shall be required for new taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the reenactment of real estate taxes levied annually at the same rate or lowering the rates of real estate taxes pursuant to §9.10 of the Home Rule Charter and Act 51 of 2019, real estate taxes levied at the same rate or at a lower rate may be adopted by council by resolution.

801.06 Budget effective date; certification and publication.

Upon final adoption, the budget shall be in effect for the fiscal year next following. A copy of the budget as finally adopted shall be certified by the City Clerk/City Manager. Electronic copies of the adopted budget shall also be made available for the use of all offices, departments and agencies of the City and to all interested persons or civic organizations. Copies may be printed for the public upon request as hard copies or provided in electronic version.

801.07 Fiscal control following adoption of the budget

- A. The Chief Financial Officer shall prepare and distribute monthly financial reports for all City funds to the City Manager, the Department Directors, and to City Council. The reports must include but are not limited to:
1. Budget versus Actual report
 2. Revenue report by category
 3. Bill List
- B. No funds of the City shall be paid except upon budget appropriation made according to law and upon approval of the proper officials. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded.
- C. In every case in which it is anticipated that a budget line item will be exhausted, the City Manager/Chief Financial Officer may, at the request of the Department Director affected, transfer all or part of the unexpended balances of any line item within the department operating budget. If funds are transferred from one department or accounting group into a different department or accounting group (out of any line item or into any line item) then the transfer shall be approved by Resolution of Council. No transfers shall be made involving any special funds or to a zero operating budget line item without Council approval.

- D. The City Manager/Chief Financial Officer shall not knowingly hold back or separate transfers so that the requirement for Council approval is circumvented.
- E. Once funds have been transferred out of a line item no funds shall be transferred back into that line item without Council approval and a statement of explanation by the City Manager/Chief Financial Officer.
- F. All appropriations in the General Fund shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered.

801.08 Capital Improvement Program (CIP) process

- A. Definitions for this CIP section are:

CAPITAL IMPROVEMENT PROGRAM (CIP)— A five (5)-year plan that shall contain eligible capital projects listed in order of priority for funding during the five year period.

CAPITAL PROJECT — Any project funded or proposed to be funded by public monies in part or whole to build, restore, retain, rehabilitate, purchase or repurchase any equipment, property, facility, infrastructure, vehicle, hardware for information technology, park facility, or building that is neither funded annually or repeats in any way the intent of a previous project, is to be used for the public benefit or is a public asset, and has minimum total value of \$10,000. For the purposes of this section, the term "public monies" does not include

- 1. Grants obtained by the City of Beaver Falls which are obtained or designated for a specific purpose;
- 2. Monetary gifts received by the City of Beaver Falls the use of which is restricted by specified donative intent;
- 3. Contingency Funds; or
- 4. Other monies which are required for operational, administrative, revolving, or recurring expenses.

CAPITAL PROJECT FUND BUDGET — An annual budget that identifies the total funding and source of funding for each capital project adopted in the CIP that may be executed during the fiscal year.

- B. Separate estimates of all capital projects pending or anticipated within a department shall be submitted by the department heads to be included in the CIP based on a year by year program covering the next five succeeding years.
- C. The CIP shall include the following:
 - 1. A simple, clear, general summary of the detailed contents of the program.

2. Identification of the long-term goals of the City.
3. The capital improvements pending or proposed for the next five fiscal years, together with the estimated cost of each improvement and the method for financing it.
4. An explanation of the importance of each item identified in the CIP.
5. The estimated annual cost of operating and maintaining the items to be constructed or acquired.

D. The procedure for developing the five-year CIP is as follows:

1. During the first week of June, each department shall, and members of Council may submit capital project requests to the Chief Financial Officer on official submission request forms. Each capital project submission shall include the following information:
 - a) Project location or department benefitted.
 - b) Project justification.
 - c) Estimated project cost.
 - d) Estimated project completion date.
 - e) Estimated useful life of the project.
 - f) Proposed funding source.
 - g) Projected impact on the department's or City's operating budget in terms of costs or cost reductions.
 - h) Additional information as required by the Chief Financial Officer.
2. The Chief Financial Officer shall develop and provide a standard capital project request submission form.
3. All projects submitted by each department and by members of City Council that meet the criteria for a capital project shall be considered.
4. The Chief Financial Officer or designee shall compose a listing of all capital project submissions and any supporting documents submitted by the Department Directors, and shall provide the listing to the City Manager by the first week of July of each year.

5. The City Manager shall give first priority to projects that will address:
 - a) an imminent threat to employee or public safety, and
 - b) compliance with state or federal mandates
6. All other projects shall be prioritized by the City Manager. The City Manager shall give strong consideration to projects that invest in core infrastructure needs, improve efficiency and effectiveness of service delivery, and will reduce operating expenses for the City of Beaver Falls.
 - a) No later than August 1 of each fiscal year, the City Manager shall submit the draft CIP to City Council for review and consideration.
 - b) Council shall provide public notice and shall post the CIP on the City's Official Information Site not less than ten (10) days before adoption of the CIP and shall consider fully the comments of City residents.
 - c) The Council by Resolution shall adopt the five-year Capital Improvement Program, with or without amendment, no later than December 31 of each fiscal year.

801.09 Capital Project Fund annual budget

- A. There shall be designated in the budget a fund known as the Capital Project Fund, and expenditures from this Fund shall be used only for projects as designated by Council in the Capital Improvement Program (CIP), and shall not be used for expenditures in the general operation of the City administration.
- B. Moneys may be transferred into this Fund from the unrestricted revenues from the General Fund if Council so designates.
- C. No expenditures from the Capital Project Fund shall be made without the approval of the majority of the members of Council.
- D. The procedure for developing the annual Capital Project Fund budget is as follows:
 1. The Chief Financial Officer shall develop the annual Capital Project Fund budget based on the adopted CIP, and will provide it to the City Manager for consideration during the development of the annual budget process.
 2. No later than November 1 of each fiscal year, the City Council shall receive the proposed annual capital budget together with the operating budget, both of which shall be subject to Council approval during the regular budget process.

801.10 Monitoring, implementation, and close-out of capital projects

The Chief Financial Officer shall be responsible for the oversight of all capital projects.

- A. The Chief Financial Officer will provide monthly reports for the annual Capital Project Fund budget to the City Manager and to Council.
- B. By June of each fiscal year, all departments and/or the City Engineer shall report the status of all active capital projects to the Chief Financial Officer. In September of each year, the Chief Financial Officer shall provide to Council a consolidated report on the status of all active projects. The report shall include the following:
 1. Total funding spent on each project.
 2. Total unspent funds.
 3. Details on any projected variance greater than 5% between budget to actual total cost of the project.
 4. Details on project milestones that have been met or missed in comparison to the project schedule.
- C. Upon the completion of a capital project, the department director and/or the City Engineer shall inform and provide the Chief Financial Officer with all necessary financial documentation to close out the project in the City's financial records within 10 business days from the date of completion.
- D. The Chief Financial Officer shall provide the final financial documentation to the City Solicitor or appropriate City personnel or the Contractor for legal close out of the project.
- E. The Chief Financial Officer shall account for a capital project's useful life in the City's financial records where appropriate.
- F. The Capital Project Fund annual budget may be adjusted by City Council at any time during the budget year by Resolution to provide emergent capital funding for projects that address:
 1. An imminent threat to the safety of City employees and/or the public.
 2. A mandatory federal or state regulatory requirement
 3. A real or potential disruption of the functioning of City government and/ or any of its departments.
 4. Any project that emerges that is approved by a vote of the majority of City Council.

801.11 General purchase/procurement policy.

- A. All contracts of the City shall be consistent with public thresholds for competitive bidding published by the PA Department of Labor and Industry annually. The City

may use the bidding thresholds annually set by the PA Department of Labor and Industry for all competitive bidding purposes.

- B. Competitive bids shall be obtained where practicable and contracts shall be awarded to the lowest responsible bidders. Sealed bids shall be evidenced by written contracts submitted to and approved by Council, provided that in cases where it is clearly to the City's advantage and provided for by the general laws of the State to contract without competitive bidding, the Council, upon recommendation of the City Manager/Chief Financial Officer, may so authorize.
- C. Council may at any time and for any reason authorize the undertaking of public improvements by City employees.
- D. The Mayor and City Manager shall execute all contracts after approval by the City Council, regardless of the amount, for the City. If the Mayor and/or City Manager refuse to sign a contract, a majority of the Council may authorize two (2) members of the Council to sign the contract.

801.12 Notices inviting sealed bids.

- A. Notices inviting sealed competitive bids shall be published pursuant to state law.
- B. Such notice shall indicate the supplies, materials or equipment desired or the construction project to be undertaken, whether bid, performance and labor and material bonds are required; and if required, the amounts thereof, and the date, time and place of filing and opening of bids. The right shall be reserved to reject any or all bids or parts thereof.
- C. In all cases where sealed bids are invited, a copy of the official notice shall be available for inspection at the City Building and shall be displayed on the City's Official Information Site. The City Manager/Chief Financial Officer shall direct the mailing of copies of the official notice to such qualified vendors or contractors as may be deemed necessary to give actual notice to interested bidders and to obtain competitive bidding balances, together with filing costs.
- D. Each Bid submitted in response to any advertised notice shall be sealed and be accompanied by the specified bid bond and by a non-collusion affidavit in such form as the City Manager/Chief Financial Officer shall approve.

801.13 Bid and performance bonds.

- A. All bids advertised for shall be accompanied by cash, by certified cashier's check or by bond with corporate surety in the amount of 10% of the bid. In the event any bidder shall, upon award of the contract due him, fail to comply with the requirements hereinafter stated as to a bond guaranteeing the performance of the contract, the good faith deposit by cash, certified check or bond shall be forfeited to the City as liquidated damages.

- B. Where advertising is required herein, the successful bidder shall be required to furnish a bond with suitable reasonable requirements for guaranteeing performance by contract with surety sufficient to cover the engineer's estimate for the cost of the project, within 20 days after the contract has been awarded, unless the City prescribes a shorter period. Failure to furnish such a bond within such a time shall void the award.

801.14 Bid opening; analysis and award.

- A. Sealed bids shall be opened in public or at a scheduled virtual meeting with a public option at a date and time established in the bid notice. After bids are opened, they shall be referred to the appropriate department for tabulation, review, and recommendation.
- B. After the bid is reviewed by the appropriate personnel, Department Director, or City Engineer, the tabulation and recommendation shall be submitted to the City Manager for preparation for City Council consideration and approval.
- C. The City shall at all times reserve the right to waive technicalities of the bidding procedure when it is in the best interest of the City to do so and when the technicalities waived are not contrary to statute.
- D. The competing bidders may examine the bids and tabulation
- E. Upon receipt of the tabulation and analysis of the bids, Council may reject the bids or may determine the lowest responsible qualified bidder or bidders and award the contract or contracts accordingly as provided by statute.

801.15 Purchases under bid thresholds

- A. Regarding purchases of supplies, materials, equipment, and services for public improvements, the bid shall be awarded to the lowest responsible qualified bidder.
- B. All purchases of supplies, materials and equipment, and services for public improvements that are below the state competitive bid threshold but over the amount specified by the state for telephonic/internet quotes shall be made in the open market by obtaining at least three competitive, qualified quotes.
- C. All purchases of supplies, materials and equipment, the cost of which is less than the amount specified by the state for telephonic/internet quotes shall be made in the open market by obtaining at least three oral or internet competitive qualified quotes.
- D. For all purchases of supplies, materials and equipment, the cost of which is less than \$7,000, the Chief Financial Officer may use discretion in obtaining the lowest responsible bid without requiring competitive bidding. The on-line pricing

provided to the City by vendors shall be acceptable as bids for such purchases.

- E. Certain payments for goods and services can be made without prior authorization of City Council:
1. Bonds and principal representing bonded indebtedness of the City, when said bonds and principal are due and presented for payment.
 2. All interest on bonded indebtedness of the City when the same is due and coupons are presented for payment.
 3. Payments for the annual Minimum Municipal Obligation (MMO.)
 4. All utility bills for water, electricity, gas, telecommunications, etc.
 5. For fixed charges including but not limited to postage, legal advertising, copier maintenance, IT services, or any other applicable contractual services.
 6. All medical, dental, disability, and life insurance premiums and medical claims from insurance provider.
 7. All annual premiums for the City's property, liability, and worker's compensation policies.
 8. Salaries and wages of Elected Officials and employees at the rates authorized by City Council.
 9. All pension distribution checks as authorized by the designated pension boards.
 10. Payment of Federal and State withholdings taxes, Social Security, Medicare, Defined Benefit Pension Fund, and 401 (b) contributions, and Unemployment taxes as required.
 11. Contractual payments for items previously approved by City Council actions.
 12. Reimbursements to employees for budgeted purchases (i.e.: travel costs.)
 13. Deposit refund under facility rental contracts.
 14. To take advantage of early payment discounts.

801.16 Purchase orders.

- A. All purchasing of supplies, material, equipment, or products requires a purchase order in order for the invoice to be paid.
- B. The City Manager/Chief Financial Officer or a designated Purchasing Agent is authorized to approve purchase orders through the use or electronic signatures.
- C. All requisitions for supplies, materials and equipment shall be prepared and signed by the head of the requisitioning department on the form and in the manner prescribed by the Chief Financial Officer. Completed requisitions shall be submitted to the Chief Financial Officer for approval.
- D. Purchases that exceed the budget appropriation will be “red flagged” and returned to the Department Director for explanation and supporting documentation. The CFO may override the exceeded amount through a budget transfer within the department that will be subsequently submitted to Council for approval.

801.17 Emergency purchases.

In the case of an emergency and with the consent of the City Manager and/or Chief Financial Officer, any or all using departments may purchase directly supplies, material or equipment not to exceed the state competitive bidding threshold when such an immediate procurement is essential to address an emergency repair or replacement. The head of such department shall send written notification of such emergency purchase or repair to the City Manager and the Chief Financial Officer together with a full explanation of the circumstances of the emergency which shall be filed by the Chief Financial Officer as a permanent and public record of the purchase. The City Manager shall email the information to the Mayor within 24 hours of the purchase or repair.

801.18 Inspection of materials.

- A. The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the Department Director.
- B. If the delivery of a commodity is not made within a reasonable length of time, the Department Director shall notify the Chief Financial Officer. In the event that the material or equipment delivered is not satisfactory to the Department Director, the Chief Financial Officer should be notified immediately in writing, stating the reason that it is not satisfactory. If the correct item is not delivered, if broken or damaged material is delivered, or the correct quantity not delivered, the Chief Financial Officer shall be so notified. The Chief Financial Officer will then communicate with the vendor, or authorize the department to do so, to rectify the condition as rapidly as possible.

801.19 Sale of City property. (FOR SOLICITOR - PLEASE REVIEW)

- A. Surplus City personal properties shall be disposed of by public sale or auction.
- B. If the estimated value of the property to be sold is less than \$1,000 notice of the proposed

sale shall be posted for at least 10 days on the bulletin board in the lobby of the City Building and on the City's Official Information Site, describing and itemizing the property to be sold and directing that bids may be submitted to the Chief Financial Officer.

- C. If the value of the property to be sold is estimated to exceed \$1,000, the property shall be advertised for sale at least once in a newspaper of general circulation and the City's Official Information Site. (Do you want to require an official appraisal of the property?)
- D. The bids shall not be opened until at least 10 days after such advertisement.
- E. The sale of the property advertised shall be made to the highest bidder.
- F. With the approval of Council, City property may be sold at auction, but only after the provisions as to the notice contained in this section shall likewise be observed.
- G. As an alternative, the City may use an on-line bidding service for the disposition of all City assets.
- H. The provisions of this section shall not be mandatory where City personal property is to be traded in or exchanged for new City personal property.

801.20 Borrowing of funds

Council may authorize the borrowing of money for any purpose within the scope of powers vested in the City by this Charter or by the Pennsylvania General Assembly, including revolving funds for municipal improvements, and for the issuance of bonds of the City, or other evidence of indebtedness as prescribed by the Local Government Unit Debt Act. The Council may pledge the full faith, credit and resources of the City for the payment of the obligation created.

801.21 Investment of funds.

Council may provide for the temporary investment of funds in accordance with general statutes that identify investment instruments, insurance or collateralization requirements, and cooperative investment programs. The CFO shall provide for secure deposits of all City funds in depositories approved by the Council and shall provide for lawful investment of idle funds. The Chief Financial Officer shall be authorized to invest all monies received by him/her and not needed to pay bills within a thirty-day period, in United States Treasury bills or savings accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

801.22 Independent Audit

The Council shall provide for an annual independent audit of all City funds and accounts by a certified public accountant who has no personal interest, direct or indirect, of the fiscal affairs of the City or of any of its elected or appointed officers. The DCED Annual Audit shall be submitted to the Commonwealth on the forms and before the deadline prescribed by law. The annual audited financial statements with a management letter addressing internal controls shall be presented to the Council by the City's independent auditor by June 30th following the end of the fiscal year being audited.

801.23 Payment of Funds

- A. The Chief Financial Officer shall prepare a list of expenditures/bills to be approved for payment by City Council at their regular meetings.
- B. No payment of any funds shall be made unless provided for in the budget and approved by the Council; with the exception that payroll, insurance, utility, and other routine and necessary expenditures as set forth in §6.15(e) may be made at the direction of the City Manager or Chief Financial Officer.
- C. All checks or drafts of the City shall be signed and counter-signed by a minimum of one elected and one appointed officer.
 - 1. Elected Officials shall include: Mayor, Deputy Mayor, or a member of Council designated by Council.
 - 2. Appointed Officials shall include: City Manager, Chief Financial Officer, or City Clerk.

ADD:

Non-Uniform Employees Pension Fund Ordinance

Police Pension Fund Ordinance

Firefighters Pension Plan Ordinance