

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1234 Session of  
2023

---

INTRODUCED BY FREEMAN, SAPPEY, SMITH-WADE-EL, JAMES AND MOUL,  
MAY 24, 2023

---

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 24, 2023

---

AN ACT

1 Amending Title 11 (Cities) of the Pennsylvania Consolidated  
2 Statutes, in city administrator, further providing for  
3 appointment of city administrator, for employment agreement,  
4 for residency and elective city office and for powers and  
5 duties; and, in accounts and finances, further providing for  
6 powers and duties of chief fiscal officer.

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

9 Section 1. Sections 112A02, 112A03, 112A04, 112A05(b)(4) and  
10 11802(a) of Title 11 of the Pennsylvania Consolidated Statutes  
11 are amended to read:

12 § 112A02. Appointment of city administrator.

13 (a) Appointment.--In a city that has established an office  
14 of city administrator, council shall appoint an individual,  
15 partnership, limited partnership, an association or professional  
16 corporation to be city administrator. The appointment of [an  
17 individual to be] a city administrator shall be by a majority  
18 vote of all the members of council.

19 (b) Selection.--Council shall select a city administrator on  
20 the basis of executive and administrative qualifications,

1 education and experience and may give special consideration to  
2 applicants with training and experience in municipal government  
3 operation. The city administrator shall serve at the pleasure of  
4 council, subject to contractual rights that may arise under an  
5 employment or professional services agreement that may be  
6 entered in accordance with section 112A03 (relating to  
7 employment or professional services agreement).

8 § 112A03. Employment or professional services agreement.

9 (a) Agreement.--Council may enter into an employment or  
10 professional services agreement with the city administrator. The  
11 [employment] agreement may set forth the terms and conditions of  
12 employment. The [employment] agreement shall remain in effect  
13 for a specified period terminating not later than two years  
14 after the effective date of the [employment] agreement or the  
15 date of the organizational meeting of council after the next  
16 municipal election, whichever is earlier.

17 (b) Conditions.--

18 (1) An [employment] agreement under subsection (a) may  
19 specify conditions under which a city administrator may be  
20 entitled to severance compensation[.] if the city  
21 administrator is an individual, or payments for the  
22 termination of appointment if the city administrator is a  
23 partnership, limited partnership, an association or  
24 professional corporation.

25 (2) An [employment] agreement under subsection (a) may  
26 not guarantee retention or employment through the term of the  
27 [employment] agreement or confer upon the city administrator  
28 any legal remedy based on specific performance.

29 (3) An [employment] agreement under subsection (a),  
30 executed on or after a municipal election but before the

1 first meeting in January the year after the municipal  
2 election, shall be void.

3 (c) Status as public official.--The city administrator, if  
4 an individual, and, for a partnership, limited partnership,  
5 association or professional corporation appointed as the city  
6 administrator, each officer and employee directly providing  
7 services as required or authorized by the agreement shall be  
8 considered a public official for purposes of the provisions of  
9 65 Pa.C.S. § 1103 (relating to restricted activities).

10 § 112A04. Residency and elective city office.

11 (a) Residence of city administrator who is an individual.--  
12 At the time an individual is appointed to fill the office of  
13 city administrator, the appointee does not have to be a resident  
14 of the city. After appointment, [the] a city administrator who  
15 is an individual may reside outside the city only with the  
16 approval of council.

17 (b) Incompatibility.--The city administrator may not hold  
18 any elective city office. In the case of a partnership, limited  
19 partnership, an association or professional corporation  
20 appointed as city administrator, the restriction under this  
21 subsection shall apply to all officers and employees who  
22 directly provide services as required or authorized by the  
23 agreement.

24 § 112A05. Powers and duties.

25 \* \* \*

26 (b) Specific powers.--The powers and duties conferred upon a  
27 city administrator by council may include the following:

28 \* \* \*

29 (4) [Designating] If the city administrator is an  
30 individual, designating a qualified administrative officer of

1 the city to perform the city administrator's duties during  
2 the city administrator's temporary absence or disability. In  
3 the event the city administrator fails or is unable to make  
4 the designation or if the city administrator's absence or  
5 disability continues more than 30 days, council may, by  
6 resolution, appoint an officer of the city to perform the  
7 duties of the city administrator during the city  
8 administrator's absence or disability until the city  
9 administrator is able to return to work.

10 \* \* \*

11 § 11802. Powers and duties of chief fiscal officer.

12 (a) Appointment.--Council shall appoint a chief fiscal  
13 officer. In filling the position of chief fiscal officer,  
14 council may appoint the director of the department of accounts  
15 and finance or the city administrator if one is an individual  
16 appointed under Chapter 111 (relating to the executive  
17 department) or 112A (relating to city administrator).

18 \* \* \*

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