

OFFICIAL**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1114**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, PART 2.A. OF THE FOREST HILLS BOROUGH CODE OF ORDINANCES, BOROUGH MANAGER, AMENDING THE POWERS AND DUTIES OF THE OFFICE OF BOROUGH MANAGER.

WHEREAS, Section 1141 of the Borough Code, 8 Pa.C.S. § 1141, authorizes the Borough of Forest Hills (the "Borough") to create by ordinance the office of borough manager;

WHEREAS, Chapter 1, Part 2.A. of the Code of Ordinances of the Borough of Forest Hills established the office of the Borough Manager ("Manager"); and

WHEREAS, the Council of the Borough, has, from time to time, enacted ordinances reflecting the expectations and duties of the Manager; and

WHEREAS, the Council of the Borough desires to amend Chapter 1, Part 2.A. of the Forest Hills Borough Code of Ordinances, Borough Manager, to amend the powers and duties of the Office of Borough Manager.

NOW, THEREFORE, the Council of the Borough of Forest Hills hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Chapter 1, Part 2.A., Borough Manager, of the Forest Hill Borough Code of Ordinances is amended as follows to insert the underlined text and delete the stricken text:

Part 2. BOROUGH OFFICIALS**A. Borough Manager.****§ 1-201. Office of Borough Manager Created.**

The office of Borough Manager is hereby created by the Forest Hills Borough.

§ 1-202. Appointment of Borough Manager; ~~Indefinite Tenure~~; ~~Removal~~.

The Borough Manager shall be appointed ~~for an indefinite term~~ by a majority of all members of Council. The Borough Manager shall be an at-will employee and shall serve at the pleasure of Council; ~~and he~~ The Borough Manager may be removed at any time by a majority vote of all its members. ~~At least 30 days before such removal is to become effective, the Council shall furnish the Manager with a written statement setting forth its intention to remove him.~~

§ 1-203. Qualifications of Borough Manager; ~~Residence During Tenure~~.

The Borough Manager shall be chosen solely ~~on the basis of his~~ their executive and administrative abilities, with special reference to the duties of ~~his~~ the office as herein outlined and as outlined in the Pennsylvania Borough Code, as amended. The Borough Manager need not be a resident of the Borough ~~or of the Commonwealth of Pennsylvania at the~~ at any time of his appointment, but during the Borough Manager's tenure, ~~of his office he may reside outside the Borough only with the approval of the Council.~~ The office of Borough Manager and Borough Secretary may be held by the same person.

§ 1-204. Bond Required.

Before taking office, and each year thereafter, the Borough Manager shall furnish a fidelity bond in an amount as set from time to time by resolution of the Borough Council, conditioned upon the faithful performance of his/her duties. This fidelity bond shall be in a form acceptable to the Borough Solicitor and shall be issued by a corporation licensed to do business as a surety in the

Commonwealth of Pennsylvania. The cost of such bond shall be paid from the general revenue of the Borough.

§ 1-205. Borough Manager's Terms of EmploymentSalary.

The salary to ~~of~~ the Borough Manager shall be fixed from time to time by ~~resolution~~ of the Borough Council.

Borough Council may enter into a memorandum of employment ("MOE") with the Borough Manager that specifies the terms and conditions of employment. The MOE may remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the organizational meeting of council following the next municipal election, whichever occurs first. The MOE with the Borough Manager must comply with the Pennsylvania Borough Code, as amended.

§ 1-206. Borough Manager's Powers and Duties.

1. The Borough Manager shall be the chief administrative officer of the Forest Hills Borough, and ~~he~~ shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. The powers and duties of administration of all Borough business shall be vested in the Borough Manager, unless expressly imposed or conferred by statute upon other Borough officers.
2. Subject to recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:
 - A. ~~He shall~~ To supervise and be responsible for the activities of all municipal departments, except the Police and Fire Departments.
 - B. ~~The Borough Manager~~ He shall To make recommendations to Council regarding the hiring of employees under the Borough Manager's direct supervision. The Borough Manager shall also have the authority to discipline employees under the Borough Manager's direct supervision. However, if the discipline to be imposed includes a suspension without pay or termination, such discipline must be approved by Council at a duly advertised public meeting. The Borough Manager shall have no disciplinary authority over any employee covered by civil service or a collective bargaining agreement beyond recommending disciplinary action to Council in consultation with the Chief of Police and the Public Works Foreman., and when necessary for the good of the service, shall discipline including but not limited to communications to suspend or discharge any employee under his supervision; provided, that persons covered by the civil service provisions of the Borough Code shall be hired, suspended, or discharged in accordance with such provisions, and provided further that ~~the Borough Manager shall report in executive session at the next meeting thereafter of Council, any action taken by authority of this paragraph.~~
 - C. ~~He shall have the power to~~ To fix wages and salaries of all personnel under ~~his~~ the Borough Manager's supervision, within a range previously determined by Council.
 - D. ~~He shall~~ To prepare and submit to Council, before the close of each fiscal year, a budget for the next fiscal year following the requirements established by the Pennsylvania Borough Code and an explanatory budget message. In preparing the budget, the Borough Manager, or an ~~officer designated by him,~~ the Borough Manager's designee, shall obtain from the head of each department, agency, or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as the Borough Manager ~~he~~ requires. The Borough Manager shall review such estimates and may revise them before submitting the budget to the Council.
 - E. ~~He shall be responsible for the~~ To administration of administer the budget after its adoption by the Council.

- F. ~~He shall, in conjunction with the preparation of the yearly budget, develop~~ To develop long-range fiscal and capital improvement plans for the Borough, such plans to which shall be presented annually to the Council for its review and adoption.
- G. ~~He shall~~ To hold such other Borough offices and head such Borough departments as the Council may from time to time direct. The Borough Manager shall be authorized to delegate the duties of the other Borough offices or positions that the Borough Manager holds, subject to recall by Council.
- H. ~~He shall attend~~ To attend all meetings of Council and its committees with the right to take part in the discussions, and ~~he~~ shall receive notice of all special meetings of Council and its committees.
- I. ~~He shall keep~~ To keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances and such other reports as the Council requests, and make such recommendations to the Council as ~~he~~ the Borough Manager deems advisable.
- J. ~~He shall submit~~ To submit to Council, as soon as possible after the close of the fiscal year, a complete report of the finances and the administrative activities of the Borough for the preceding year.
- K. ~~He shall~~ To see that the provisions of all franchises, leases, permits, and privileges granted by the Borough are observed.
- L. ~~He may~~ To employ, by and with the approval of Council, experts, and consultants to perform work and to advise in connection with any of the functions of the Borough.
- M. ~~He shall~~ To attend to the letting of contracts in due form of law, and ~~he shall to~~ supervise the performance and faithful execution of the same, except insofar as such duties are expressly imposed by statute upon some other Borough officer or Borough Council.
- N. ~~He shall see that~~ To promptly pay all money owed by the Borough is promptly paid and to see that proper proceedings are taken for the security and collection of all the Borough's claims, credits, and accounts receivable.
- O. ~~He shall~~ To be the purchasing officer of the Borough, and ~~he shall~~ purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the agencies, boards, departments, and other offices of the Borough. ~~He shall~~ The Borough Manager shall keep an account of all purchases and shall, from time to time or when directed by Council, make a full written report thereof. He shall also The Borough Manager may also issue rules and regulations, subject to the approval of Council, governing the procurement of all Borough supplies and equipment.
- P. All complaints regarding Borough services shall be referred to the office of the Borough Manager. He, or an officer designated by him, and the Borough Manager, or the Borough Manager's designee, shall investigate and dispose of such complaints, and ~~the Manager~~ shall report thereon to Council.

§ 1-207. Mayor May Delegate Certain Powers and Duties to Borough Manager.

The Mayor is hereby authorized to delegate to the Borough Manager, subject to revocation by written notification at any time, any of ~~his~~ the Mayor's nonlegislative and nonjudicial powers and duties with the consent of Council.

§ 1-208. Relationship Between Council and Borough Manager.

Neither the Council, its members, nor its committees shall dictate or influence or attempt to dictate or influence the hiring of any person to, or ~~his~~their discharge from, Borough employment by the Borough Manager, or in any manner take part in the hiring, suspending, or discharging of employees in the administrative service of the Borough, except as required by the civil service provisions of the Borough Code. Other than for the purposes of inquiry, the Council or any of its members, or any of Council's committees or its members, shall deal with the administrative service solely through the Borough Manager, and neither the Council nor any of its members, nor any of Council's committees or its members, shall give orders, publicly or privately, to any subordinate of the Borough Manager.

§ 1-209. Designation of Person to Serve During Absence or Disability of Borough Manager.

If the Borough Manager becomes ill, disabled, or needs to be absent from the Borough, ~~he~~the Borough Manager shall designate one qualified member of ~~his staff~~ the Borough administration to perform the duties of the Borough Manager during ~~his~~ the absence or disability. The person so designated shall not perform these duties for a period longer than two weeks without the approval of Council.

SECTION 2. Should any sentence, section, clause, part, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.


SECTION 3. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.


SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this 15th day of May, 2024, by the Council of the Borough of Forest Hills in lawful session duly assembled.

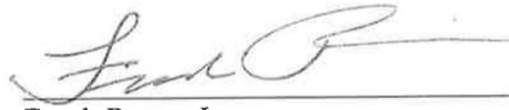
ATTEST:

BOROUGH OF FOREST HILLS


Seth Abrams
Borough Manager/Secretary
(SEAL)

By: 
Barbara Martin
President, Borough Council

EXAMINED and **APPROVED** this 15th day of May, 2024.


Frank Porco, Jr.
Mayor