

BOROUGH OF FREEPORT
ORDINANCE NO. 407

AN ORDINANCE OF THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, COMMONWEALTH OF PENNSYLVANIA, CREATING THE OFFICE OF BOROUGH MANAGER, AND ESTABLISHING CERTAIN BENEFITS AND CONDITIONS OF EMPLOYMENT, AND SETTING WORKING CONDITIONS FOR SAID POSITION.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Freeport, Armstrong County, Commonwealth of Pennsylvania, as follows:

1. Creation of Office. That the Office of Borough Manager is hereby created by the Borough, subject to the right of the Borough, by ordinance, at any time to abolish such office.
2. Election and Term of Office. As soon as practicable after the enactment of this Ordinance, Borough Council shall elect, by a majority vote of all its members, one person to fill the office of Borough Manager, who shall serve until the first Monday of January of the even-numbered years succeeding the Borough Manager's appointment, and until the Borough Manager's successor is elected and qualifies. The said office shall be filled biennially thereafter. In the case of a vacancy, Council shall fill said office by majority vote of all its members. The Borough Manager shall, however, be subject to removal at any time by a majority vote of all the members of Council.
3. Qualifications. The Manager shall be chosen on the basis of his or her executive and administrative abilities, with emphasis on his or her actual experience and knowledge of accepted practices with respect to the duties of his or her office as herein outlined including their ability to manage personnel, knowledge of municipal government function, and ability and readiness to perform labor duties when and where necessary. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of his or her appointment, but within a reasonable time thereafter (which time may be fixed by agreement between the Manager and the Borough) he shall become and during his or her tenure shall remain a resident of the Borough. The manager shall obtain a sewage treatment plant certification.
4. Manager's Bond. Before entering upon his or her duties, the Borough Manager shall give a bond to the Borough, with a bonding company as surety, in the sum of \$ _____, conditioned for the faithful performance of the Borough Manager's duties, premium for the said bond to be paid by the Borough.
5. Manager's Compensation. The salary and other benefits of the Borough Manager shall be fixed from time to time by Borough Council, and shall be set forth in a

separate Employment Agreement between the Borough Manager and Borough Council.

6. Powers and Duties of Manager. The powers and duties of the Borough Manager shall be as follows:
 - a. The Manager shall be the chief administrative officer of the Borough, and he or she shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. The Borough Manager's powers and duties shall relate to the general management of all Borough business not expressly, by statute or ordinance, imposed or conferred upon other Borough officers. The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of the Borough Manager's non-legislative and nonjudicial powers and duties.
 - b. Subject to recall by ordinance, the powers and duties of the Manager shall include the following:
 - i. The Borough Manager shall supervise and be responsible for the activities of all Borough departments, except such departments the supervision of which shall not have been delegated to the Manager by the Mayor or by Council, as the case may be.
 - ii. The Borough Manager shall hire and, when he or she shall deem it necessary for the good of the service, shall suspend or discharge all employees under the Borough Manager's supervision; provided, persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions; provided further, the Manager shall report, at the next meeting thereafter of Council, any action taken by authority of this or her Section.
 - iii. The Borough Manager shall prepare and submit to Council before November 5 of each year, or on such alternate date as Council shall determine, a suggested budget for the next fiscal year and an explanatory budget message. In preparing the budget the Manager or an officer designated by him or her shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as he or she requests. The Manager shall review such estimates and may suggest revisions when submitting the suggested budget to the Council.
 - iv. The Borough Manager shall be responsible for the administration of the budget after its adoption by the Council.

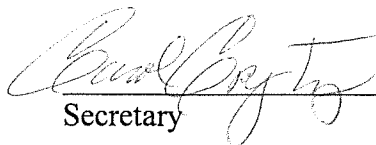
- v. The Borough Manager shall, under the direction of the Mayor, execute and enforce the laws of the Commonwealth, and ordinances, resolutions and by-laws of the Borough.
- vi. The Borough Manager shall hold the office of Borough Secretary and shall perform all the duties of all such officers, in addition to the specific duties assigned to the Manager by this Ordinance.
- vii. The Borough Manager shall attend all meetings of the Borough Council and its committees with the right to take part in the discussion, and the Borough Manager shall receive notice as to all special meetings of Council and of its committees.
- viii. The Borough Manager shall 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 shall request; and shall make such recommendations to the Council as he or she deems necessary.
- ix. The Borough Manager shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
- x. The Borough Manager shall see that the provisions of all franchises, leases, permits, and privileges granted by the Borough are observed.
- xi. The Borough Manager may 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.
- xii. The Borough Manager shall attend to the letting of contracts in due form of law, subject to the approval of the Solicitor, and the Borough Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Borough officer by statute.
- xiii. The Borough Manager shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.
- xiv. The Borough Manager shall be the purchasing officer of the Borough, and he shall purchase, in accordance with the provisions of the Borough Code, 53 P.S. §45101 et seq., all supplies and equipment for the various agencies, boards, departments, and other offices of the Borough. 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. The Borough Manager shall also issue rules and regulations, subject to the approval of Council, governing the requisition and purchasing of all Borough supplies and equipment.

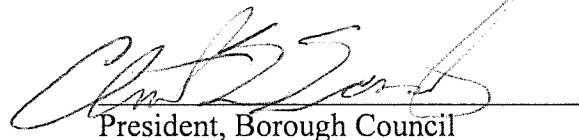
- xv. The Borough Manager shall cooperate with the Borough Council at all times and in all matters that the best interest of the Borough and of the general public may be maintained.
 - xvi. All complaints regarding services of personnel of the Borough shall be referred to the Office of the Manager. The Borough Manager, or an officer designated by the Borough Manager, shall investigate and dispose of such complaints, and the Manager shall report thereon to Council.
7. Disability or Absence of Manager. In case of illness or absence of the Manager from the Borough, the Borough Manger shall delegate one qualified member of its staff who shall perform the duties of the Manager during the Borough Manager's absence or disability. The person so designated shall not perform such duties for a period longer than 2 weeks without the approval of the Council.
8. Effective Date. This Ordinance shall be effective on the date of enactment.
9. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.
10. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
11. Amendments. Borough Council shall have the ability to amend this ordinance from time to time as they may see fit by resolution.

ORDAINED AND ENACTED into law this or her 6 day of March, 2023.

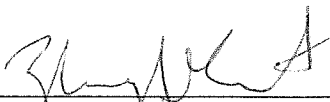
ATTEST:


Secretary

BOROUGH OF FREEPORT


President, Borough Council

Approved as to form:



Mayor, Borough of Freeport