

REPORT OF COMMITTEE APPOINTED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK TO STUDY THE PROBLEMS INCIDENT TO THE RE-ORGANIZATION OF THE GOVERNMENTAL STRUCTURE OF THE CITY OF YORK, PREPARATORY TO THE CHANGE FROM THE COMMISSION FORM OF GOVERNMENT TO THE MAYOR-COUNCIL PLAN AS APPROVED BY THE ELECTORATE AT THE GENERAL ELECTION IN 1959.

TO THE HONORABLE, THE MAYOR, AND MEMBERS OF THE CITY COUNCIL FOR THE CITY OF YORK:

By an Amendment adopted November 7, 1922, to the Constitution of the Commonwealth of Pennsylvania, cities of any class were given the right to frame and adopt their own charters and to exercise the powers and authority of a self-government; subject, however, to such restrictions, limitations and regulations as may be imposed by the legislature. It was not until July 15, 1957, or nearly thirty-five years after the adoption of that constitutional amendment that the legislature enacted a law to provide for such local government by third class cities.

Pursuant to this legislation, the voters of York City, at the general election in 1958, provided for the creation of a Charter Commission to study the three forms of government from which the city could choose and to recommend to the voters one of these for adoption and elected nine members to the Commission thus created. This Commission promptly set out to perform its function. After intensive study and many discussions the Commission filed its report on June 29, 1959, recommending that the City of York change its government from the present commission form to the mayor-council plan, popularly referred to as the strong mayor form of government.

At the municipal election in 1959, the voters of the city, by a very substantial majority, approved the recommendations of the Charter Commission.

Under the provisions of the Act of 1957, P.L. 901, the Mayor-Council Plan of government becomes effective the first Monday of January 1962.

In the fall of 1960, the mayor and council of the city asked a group of citizens to suggest a framework for this new type of government. This committee held its first meeting November 15, 1960, and has met at least thirty-one times since that first meeting. The members of the committee were very faithful in their attendance, as all of the members, save one, attended a majority of the meetings. One member was absent only twice but unfortunately, one member only attended one meeting - the first one.

The city made available to the committee, the services of Harry J. Rubin, Esq., Assistant City Solicitor, who acted as legal advisor and draftsman for the committee, and Mrs. Rita Meads, who acted as Secretary. It would not be possible to over state the value to the committee of the services of these two people.

It was felt that the committee should first familiarize itself with all functions being presently performed by the city government and how those functions are distributed among the existing departments and boards of the city government. To accomplish this, conferences were held with the mayor, all other elected officials and some appointed officials of the city. The cooperation of all of these people was excellent and the information furnished by them provided the committee with background information, the lack of which would have presented virtually insurmountable difficulties. When these conferences were completed in the early part of February, 1961, the task of organizing the information thus gained and of formulating a possible Administrative Code to provide a workable framework for the Mayor-Council form of government was begun.

In the approach to this task several basic principles were formed in the minds of the group.

First was the constitutional statement of the purpose of the adoption of charters by the cities, namely, to enable the city "to exercise the powers and authority of Local Self-Government". This thought is more specifically expressed by

the legislature in Section 304 of the Act of 1957, where it is said "The general grant of municipal power contained in this article is intended to confer the greatest power of local self-government consistent with the Constitution of this State".

Second, it was recognized that the general structure of the Mayor-Council Plan was so outlined by the legislature as to provide for a separation of powers, executive, legislative and judicial, similar to that found in the structure of the Federal and State Governments in contrast to the complete intermingling of those powers found in the present commission form.

Third, the necessity of fiscal responsibility became quite apparent from our study of the present form.

Fourth, we had to choose between suggesting a code that would be so detailed that it would so proscribe the work of the officials of the government to the extent that it would amount to a strait-jacket or providing a general framework designating areas of responsibility and functions to be performed and leave it to the individual officers to work out administrative detail consistent with the authority granted to them and the duties imposed upon them. This latter approach was considered the more desirable one.

Fifth, in considering what departments should be suggested, it was determined to suggest the creation of departments on a functional basis, that is, to provide for the performance of all functions similar in nature within the same administrative department. This will result in some departments being substantially larger than others but it is felt that economy and efficiency will be promoted by this decision.

The function of council under the Mayor-Council Plan is purely legislative and its members will have no administrative duties as members of council now have. In addition to its power to enact legislation, council must approve appointments

of the mayor to positions in the administrative branch.

The City Clerk will be appointed by the council and will be an employee of the council. The clerk will keep all minutes of council meetings and will be responsible for the recording, publication and codification of all city ordinances.

The Charter Act of 1957 makes no specific references to a judicial system within the framework of the charter. For this reason it was felt that the authority to provide for procedures in this area different from those provided in the Third Class City Code was not granted; hence, no changes in this branch which basically is the police court, are suggested.

The executive authority is vested by the Charter Act in the mayor and the departments functioning under the jurisdiction of the mayor. The act provides that there shall be created not more than nine departments and that one of these may be a department of administration.

The committee recommends strongly the creation of a department of administration. In so doing we gave great weight to the recommendation of the Charter Commission. That body made a careful study of the three possible forms of government authorized by the Charter Act: the commission form, mayor-council plan and the city manager plan. In making the selection of the mayor-council plan, the Commission, four members of which served on this committee, strongly suggested that if this form be adopted a business administrator should be employed. In fact, many of the members of that group have stated that if it were not possible to have a business administrator in this plan, they would have suggested instead the city manager plan. Even without the suggestion of the commission there is no doubt that this committee would have included the suggestion of this department for it is felt there is a real need for the functions suggested to be assigned to it. There have been

suggestions that the detailed matters of administration that would be assigned to this department could be performed by the mayor himself. It is the judgment of the committee that the details to be performed by this department should not be imposed upon the mayor but that he should be free to devote his attention to broad matters of policy and to the general supervision of the entire executive branch of the government. If he were burdened with all of the matters of administrative detail assigned to the department of administration he would have little or no opportunity to devote his energies to these broader phases.

Two of these functions assigned to the department of Administration are mandatory by statute. These are the creation of a central purchasing agency and providing assistance to the mayor in the preparation of the budget. Other duties suggested to be assigned to this department are to establish and supervise standard personnel policies and practices and to install and maintain and direct throughout the departments a uniform system of work programs and quarterly allotments in connection with the operation of the budget as required by the Charter Act. In addition it is suggested that this department shall have assigned to it the pension board and civil service board.

The other suggested departments are the department of community development, department of public safety, department of public works, department of recreation and department of revenue. This will result in a total of six departments.

The department of community development should supervise the enforcement of the city building, housing and plumbing codes and the zoning ordinances. It should be responsible, with the advice of the City Planning Commission for the conduct of the planning operations of the city. The Planning Commission and the Zoning Board of Adjustment would be attached to this department. In addition it would be the liaison between the city, the county and regional planning commissions as well as with the city housing, parking,

redevelopment and sewer authorities.

The department of public safety is designed to supervise the fire, health and police services as well as maintaining and directing the offices of inspector of weights and measures and civil defense. Attached to it would be the Police Advisory Board.

The department of public works should be responsible for the construction and maintenance of city streets and highways, city parking facilities, city parks, storm and sanitary sewers and all other city properties and facilities, in addition to the collection and disposal of refuse. The electrical bureau and city engineer would function within this department.

The department of recreation would plan for and conduct the recreational and cultural activities of the city and operate the facilities necessary therefore.

The department of revenue would be in charge of and enforce the city tax program and collect all taxes, except those imposed on real estate and advise the mayor with respect to future estimated receipts for budget purposes.

The city treasurer, an elected official, would be the custodian of all moneys of the city and would make disbursements therefrom only on warrant from the head of the department for which disbursement was made and of the city controller. He would collect all sewer rentals.

The city controller, an elected official, would be responsible for setting up a uniform accounting system throughout the city government which would accurately reflect the assets and liabilities, income and expenses of the city and the operation of the city budget at any time during the fiscal year. All departments would be required to furnish such data to the controller as would be necessary to accomplish this object and the controller would be required to furnish monthly reports concerning these matters to the mayor, business administrator, department heads and council.

In March of each year he would submit to the mayor and council an audit of all accounts of all officers having

charge and control or who disburse public moneys and shall file a copy thereof with the Clerk of the Court of Quarter Sessions.

The city solicitor, of course, is the legal advisor to the various city officials with regard to matters affecting the city.

Provision is made for the retention of all present city boards with two differences to be mentioned below. These boards are attached to appropriate departments for administrative and budget purposes as required by the Charter Act. The exceptions just referred to have to do with the pension boards now existing for the retirement funds for the police, firemen and city employees and the civil service boards presently set up under the Third Class City Code. Presently there exists a separate board for each of these funds. It is suggested that one board administer all of these funds. This would not, we repeat, this would not, mean a consolidation or co-mingling of these funds in any way but it is felt that more advantageous investments could be made by such operation of the funds. A similar merger is suggested for the civil service boards.

By an amendment to the Charter Act adopted by the 1961 Session of the General Assembly, the city is authorized to provide for a Tax Review Board. This board would hear appeals from real estate assessments in the city and from the assessment of all other city taxes. Under the previous law, the city council acted as the appeal body from the city real estate assessments but this is not a legislative function and under the mayor-council form of government would be inconsistent with all the other duties of a council. There has not been heretofore any provision for appeal within the framework of the city government itself from any of the other taxes levied by the city. The only appeal was to the court. It is felt that the provision for a board of this nature would enable any taxpayer to protest

the levy or the computation of their taxes who might, for one reason or another, not desire to avail themselves of the more cumbersome procedure of an appeal to the court. There, of course, remains in all these tax matters the right to appeal to the court from the action of the Tax Review Board.

The above constitutes a summary of the major provisions of the suggested administrative code drafted by this committee. Every provision of it has been very carefully studied and discussed fully by the members of the committee and much of the material included in the proposed code has already been published in the press because all of the meetings of the committee have been open to the public and the press.

We believe that it will provide a workable plan for the government of the city and will promote efficient operation of the government itself.

This report and the suggested administrative code are the unanimous recommendations of the active members of the committee. As pointed out initially, one member was inactive. This does not mean there was no discussion of different ideas because every member was not only permitted but encouraged to make known his or her personal opinions on every subject and in many cases several different opinions were suggested on various subjects, but every decision that was reached by the committee after these discussions was the unanimous decision of the active membership.

While this work entailed many hours of study and discussion in the meetings and much study by the individual members of the committee between the meetings, it has been a pleasant task.

Respectfully submitted,

GEORGE W. ATKINS, CHAIRMAN  
MARTIN B. EBBERT, VICE CHAIRMAN  
ALBERT L. HYDEMAN, JR., SECRETARY  
NELLIE STEIN  
GILBERT A. DEITZ  
LEO E. GRIBBIN, JR.  
JEROME J. COOPER  
N. NEIMAN CRALEY, JR.

COUNCIL OF THE CITY OF YORK, PA.

Session 1962

Bill No.2

Ordinance No.2

Introduced by *Walter O. Minter*  
Amended by Mr. Wilbur G. Baker  
Amended by Mr. Walter O. Minter

January 26, 1962  
February 2, 1962  
February 2, 1962

AN ORDINANCE

Of the City of York, Pennsylvania, establishing an administrative organization for the City of York; designating the powers and duties of Council, the Mayor and other City officers; providing for the conduct of City fiscal affairs, the enactment and enforcement of City ordinances and the conduct of City officers and employees; repealing obsolete and inconsistent ordinances; and providing an effective date hereof.

BE IT ORDAINED and enacted, and it is hereby ordained and enacted, by the Council of the City of York, Pennsylvania.

ARTICLE I

FINDINGS, SHORT TITLE AND DEFINITIONS

Section 1. Legislative Findings.

The General Assembly of the Commonwealth of Pennsylvania, by the Act of July 15, 1957, P. L. 901, has granted to the City of York and other third class cities of the Commonwealth of Pennsylvania, the right to adopt a home rule charter and a new form of government and to exercise broadly the power of local self-government. The citizens of the City of York having elected to be governed under the Mayor-Council Charter Plan

beginning January 1, 1962, this ordinance is hereby adopted to effectuate such adoption and to provide for the citizens of the City of York, a progressive, efficient and economical government. It is the purpose of this ordinance, in keeping with the "Optional Third Class City Charter Law" of 1957, to permit the broadest power of local self-government consistent with the Constitutions of the United States and Pennsylvania and with the Charter Law itself; and its provisions shall be read and interpreted in the light of such purpose.

Section 2. Short Title.

This ordinance shall be known and may be cited as the "Administrative Code of the City of York-1962."

Section 3. Definitions.

The following words, when used in this ordinance, shall, unless the context clearly indicates otherwise, mean or include as follows:

- (a) "City" shall mean the City of York, Pennsylvania.
- (b) "Council" shall mean the City Council of the City of York, Pennsylvania.
- (c) "Municipal election" shall mean that election required by the Constitution of Pennsylvania to be held in odd-numbered years.
- (d) "Person" shall include an individual, a partnership, an association and a corporation.

ARTICLE II

LEGISLATIVE

A. COUNCIL

Section 201. Legislative Power.

The legislative power of the city government shall be vested in and exercised by the council.

Section 202. Number, Election, Terms and Qualifications of Councilmen.

The council shall consist of five (5) members, elected at large by the voters of the city at regular municipal elections. The terms of office of the members of council shall begin on the first Monday of January next following their election and shall be for four (4) years and until their successors qualify. Three members of council shall be elected at the municipal election in November, 1963, and every four (4) years thereafter; the remaining two (2) members shall be elected at the municipal election in November, 1965, and every four (4) years thereafter. Councilmen shall be at least twenty-five (25) years of age, shall have been residents of the city throughout one (1) year immediately preceding their election and shall reside in the city throughout their terms of service.

Section 203. Organization of Council.

On the first Monday of January following a regular municipal election, the members of council shall meet at the City Hall of the city, organize and elect one of the members as president of council. The president shall serve as such until the first Monday in January following the next regular municipal election. He shall preside at the meetings of council, shall sign all bills which have been passed by council and are ready to be presented for the approval or disapproval of the mayor and shall perform such other duties as council may prescribe. In the absence of

the president, council shall elect one other of its members as temporary presiding officer, and the member so elected may and shall perform all of the duties of the president until the latter returns. In the event of the resignation of the president as such, council shall elect one other of its members as president for the balance of the term of the member originally elected.

Section 204. Meetings of Council.

Regular meetings of council shall be held at least once a month at the council chamber in City Hall, York, Pennsylvania, at such times as are fixed by resolution of council. Special meetings of council may be called by the mayor or the president of council and shall be called by either upon the written request of a majority of the members of council. In the call the mayor or president, as the case may be, shall designate the purpose, time and place of the special meeting, which time and place may be other than that set forth for regular meetings. At a special meeting no business shall be considered other than that set forth in the designation of purpose. All meetings of council shall be open to the public, and public notice of meetings shall be given as required by the Act of June 21, 1957, P.L. 392. The minutes of every meeting and the journal of proceedings shall be kept by the city clerk and shall be signed by the officer presiding at such meeting and by the city clerk.

Section 205. Procedures.

(a) Three (3) members of council shall constitute a quorum, but no ordinance shall be adopted by council without the affirmative vote of three (3) members of council. Council shall

determine its own rules of procedure, not inconsistent with ordinance or statute. No member of council shall vote upon any question, measure or bill in which he has a direct or personal pecuniary interest.

Section 206. Investigations.

Council may require any city officer to prepare and submit to it sworn statements regarding his performance of his official duties and may otherwise investigate the conduct of the duties of any department, office or agency of the city government. Any such statement required by council to be submitted or any such investigation undertaken by it, if any officer, department, office or agency under the jurisdiction of the mayor is involved, shall not be submitted or undertaken unless and until written notice of council's action is given to the mayor; and the mayor shall have the right to review any statement before submission to council and to appear personally or through his designee on behalf of any such department, office or agency in the course of any investigation.

Section 207. Vacancies in Council.

(a) If a vacancy occurs among the members of council, it shall be filled by a majority of the remaining members, within thirty (30) days after occurrence of the vacancy, by electing a qualified person to serve until the first Monday in January following the next regular municipal election occurring at least thirty (30) days after occurrence of the vacancy. At such municipal election a qualified person shall be elected to serve for the remainder of the term of the person originally elected or, if such term would otherwise expire on the first Monday of January

following, for a new term of four (4) years. If any vacancy occurs within thirty (30) days of a regular municipal election at which the seat which has become vacant was to be filled for a new term of four (4) years, the vacancy shall be filled only until the first Monday of January following such election.

(b) If three (3) or four (4) vacancies occur among the members of council in a way that only two (2) or one (1) member(s) remain(s) seated, the remaining member(s) shall fill such vacancies one at a time, giving each new appointee such reasonable notice of his selection as will enable him to meet and act with the remaining member(s) in making further selections until three (3) members of council have been qualified. Said three (3) members shall then fill the remaining two (2) vacancies at a meeting attended by them, the persons selected to fill the vacancies receiving at least two (2) votes of the members present. Any persons selected as members of council in accordance with this subsection shall hold office for the terms provided in subsection (a) of this section.

(c) In the event of a tie among the members of council in filling a vacancy, the mayor may, if he so desires, cast the deciding vote.

(d) If, by reason of a tie vote or otherwise, any vacancy is not filled within thirty (30) days after it occurs, the court of common pleas of York County, upon the petition of ten (10) or more qualified electors of the city, shall fill such vacancy by appointment of a qualified person for the portion or all of

the unexpired term, as provided in subsection (a) of this section.

(e) If vacancies occur among the members of council in a way that all five (5) seats become vacant, the Court of Common Pleas of York County shall, within thirty (30) days, appoint five qualified persons as city councilmen who shall serve for terms as set forth in subsection (a) of this section.

Section 208. Incompatible Offices and Employment

(a) No member of council shall be the head of a department of the city government or be otherwise employed by the city in any capacity for which he receives compensation either directly or indirectly.

(b) No member of council shall serve as an officer of the United States or of the Commonwealth of Pennsylvania (except as a notary public or in the militia) or as an officer of any county or school district or as an employee of any municipality authority which is created solely by the city or jointly by the city or more other political subdivisions.

(c) No member of council shall serve as a member of the General Assembly of Pennsylvania or of the Congress of the United States.

(d) No person, elected or appointed to council, who is employed or serves contrary to the provisions of this section, shall take or continue in his seat until such employment or service is terminated. In the event his seat remains unoccupied

for a period of thirty (30) days or more, council shall declare said seat vacant and proceed to fill it in accordance with the provisions of this ordinance regarding vacancies in council.

#### B. CITY CLERK

##### Section 220. Appointment.

The city clerk shall be appointed by a majority of the members of council and shall serve at the pleasure of council, and council shall fix his compensation.

##### Section 221. Duties.

The city clerk shall keep the minutes of the meetings of council and shall sign them as set forth in section 204 of this ordinance; shall record and index all ordinances and resolutions adopted by council and, at the end of each year, with the advice and assistance of the city solicitor, shall compile, bind and index the same or copies thereof; and shall keep all other records and documents of council. He shall perform such other duties as may be required of him by any elected official of the city. All records and documents of council shall be open to inspection by any taxpayer of the city upon demand at the office of the city clerk during office hours.

##### Section 222. Powers.

The city clerk shall have the power of a notary public to administer oaths in any matter pertaining to the business of the city or in any legal proceeding in which it is interested.

#### C. ORDINANCES AND RESOLUTIONS

##### Section 230. Enactment

(a) Every legislative act of the council shall be by

ordinance or resolution. No ordinance shall be adopted without the affirmative vote of at least three members of council, and no ordinance or resolution shall be introduced unless in written or typewritten form. Every ordinance shall be read at length when introduced and, except for amendments, by title only upon final passage which shall not occur sooner than three days following its introduction. The vote upon every motion, ordinance or resolution shall be taken by roll call, and the yeas and nays shall be entered upon the minutes.

(b) All ordinances adopted by council shall forthwith be submitted to the mayor who shall, within ten days after such submission, either approve an ordinance by affixing his signature thereto or disapprove it by returning it to council through delivery to the city clerk together with a statement of his objections thereto. No ordinance shall take effect without the mayor's approval unless he fails to return it to council within ten days after receiving it or unless council, upon reconsideration of the ordinance on or after the third day following its return, by resolution agreed to by four (4) of its members, decides to override the mayor's veto.

Section 231. Publication.

All ordinances, within one month after their passage, shall be recorded by the city clerk in a book provided by the city for such purpose, which book shall be open during office hours for the inspection of any person. Every ordinance, except as hereafter provided, prescribing a penalty for violation thereof shall be published immediately after becoming effective at least

three times, each publication on a different day, in one newspaper of general circulation printed or circulated within the city. Any ordinance which incorporates by reference any standard technical regulations or code, official or unofficial, need not be so published if ten (10) copies of such regulations or code have been placed on file in the office of the city clerk and in the office of the body or department charged with the enforcement of the ordinance for the examination of the public as long as the ordinance is in effect. Any ordinance or resolution imposing a tax or a license fee shall be published prior to passage by advertisement once a week for three weeks in one newspaper of general circulation within the city, which advertisement shall be drawn in terms of a notice of intention to pass or adopt such ordinance or resolution and shall set forth the substantial nature of the tax or license fee to be imposed, the reason requiring its imposition and the amount of revenue estimated to be derived from its effect; provided, however, that any such ordinance or resolution which enacts, without substantial change, provisions imposing a tax or license fee similar to that of the preceding year need not be advertised either before or after passage or adoption except for a short notice, advertised once within ten (10) days after its passage or adoption, stating that the ordinance or resolution of the preceding year which imposed a tax of (giving the rate and naming the subjects) has been reenacted without substantial change and the same tax imposed for the year beginning (reciting the year).

Section 232. Effective Date.

Ordinances shall take effect when provided therein except that no ordinance, except the budget ordinance, shall take effect less than twenty days after passage by council and approval by the mayor and, in the case of an ordinance imposing a tax or a license fee, less than thirty (30) days after such time unless council, by resolution, declares an emergency with respect to such ordinance, at least four (4) members of council voting in favor of such resolution.

Section 233. Compilation.

All ordinances and resolutions shall be compiled and codified by the city clerk and city solicitor as provided in section 221 of this ordinance.

ARTICLE III

EXECUTIVE

A. MAYOR

Section 301. Executive Power.

The executive power of the city government shall be vested in and exercised by the mayor.

Section 302. Election, Term and Qualifications of Mayor.

The mayor shall be elected by the voters of the city at a regular municipal election. His term of office shall begin on the first Monday of January next following his election and shall be for four (4) years and until his successor qualifies. He shall be at least twenty-five (25) years of age, shall have been a resident of the city throughout one (1) year immediately

preceding his election and shall reside in the city throughout his term of service.

Section 303. Duties of Mayor.

The mayor shall enforce the charter and ordinances of the city and all general laws applicable thereto. He shall supervise all of the departments of the city government and the conduct of all city officers under his jurisdiction and shall require each department head to make such reports to him as he deems desirable. He shall report annually to council and to the public on the work of the preceding year and on the condition and needs of the city government. He shall make such recommendations for action by council as he deems in the public interest.

Section 304. Powers of Mayor.

(a) The mayor may attend meetings of the council and may participate in its discussions. However, he shall have no vote in council except, if he so desires, to cast the deciding vote in case of a tie in the filling of a vacancy in council.

(b) All bonds, notes, contracts and written obligations of the city shall be executed by the mayor together with the controller.

(c) In the carrying out of his duty to supervise the departments of city government and the conduct of all city officers under his jurisdiction, the mayor may issue subpoenas and compulsory processes, under his official seal, for the attendance of such persons and the production of such books and papers as he deems necessary and may have enforcement

of such subpoenas by the Court of Common Pleas of York County.

(d) The mayor shall appoint all department heads with the advice and consent of a majority of council passing upon the appointment. The mayor, at his pleasure, may remove any department head after notice and an opportunity to be heard; but before removing such person, the mayor shall file a written notice of his intent to remove with council, the removal becoming effective on the twentieth day after such filing. Any employee of a department may be removed by the head of the department with the approval of the mayor.

Section 305. Vacancy in Office of Mayor.

(a) If a vacancy occurs in the office of mayor, council shall fill such vacancy within thirty (30) days by choosing a qualified person to serve as mayor until the first Monday in January following the next municipal election occurring at least two hundred days after the vacancy occurs. At such municipal election a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday of January following, for a new term of four (4) years. If a vacancy occurs within two hundred (200) days of a regular municipal election at which the office of mayor is to be filled for a new term of four (4) years, the person selected by council shall serve only until the first Monday in January following such election.

(b) If a vacancy in the office of mayor is not filled by council within the time above specified, the Court of Common Pleas of York County, upon petition of ten (10) or more qualified electors of the city, shall fill such vacancy by the appointment of a qualified person for the portion or all of the unexpired term as provided in subsection (a) of this section.

(c) Until such time as either council or the court fills a vacancy in the office of Mayor, the Director of the Department of <sup>Administration and</sup> Fiscal Affairs shall serve as mayor and shall possess all the rights, perform all the duties and exercise all the powers thereof.

Section 306. Acting Mayor.

The mayor by executive order shall designate any department head or the city clerk to act as mayor whenever the mayor is unable to attend to the duties of his office; and the person so designated shall possess all of the rights, powers and duties of the mayor. If the disability of the mayor to attend to his duties persists for sixty (60) consecutive days, council shall appoint one of its members as acting mayor; and such member shall succeed to all of the rights, powers and duties of the mayor or then acting mayor, as the case may be, until such time as the disability of the mayor ceases or a vacancy occurs in the office of mayor or the term of office of the mayor expires.

Section 307. Incompatible Offices.

The mayor shall not serve as a member of council or otherwise hold any office or employment in the city government for which compensation is prescribed; nor shall he hold any office or employment under the government of the United States or the Commonwealth of Pennsylvania or serve as a member of Congress or of the General Assembly of Pennsylvania.

B. DEPARTMENTS

Section 320. General.

The city shall have the following departments under the supervision of the mayor: Administration and Fiscal Affairs, Community Development, Public Safety and Public Works.

Section 321. Department Heads.

Each department shall be headed by a director appointed as provided in section 304 (d) of this ordinance. A director need not reside within the city at the time of his appointment by the mayor; but during his tenure of office he shall reside within the city unless council, by resolution, states otherwise. Each department head shall serve, subject to removal at the pleasure of the mayor, during the term of office of the mayor appointing him and until his successor is appointed and qualifies. Except for those employees under the civil service of the city, a department head may appoint, and with the approval of the mayor, suspend or remove subordinate officers and employees within his department. In the case of a vacancy in the office of a director of a department, the mayor may head one or more departments, temporarily, and have all of the powers and perform all of

the duties of the director of such department or departments, until such vacancy is filled.

Section 322. Department of Administration and Fiscal Affairs.

(a) There shall be a Department of Administration and Fiscal Affairs, headed by a Director of Administration and Fiscal Affairs.

(b) The department, under the director, shall assist the mayor in the preparation of the budget, shall administer a centralized purchasing system, for all of the departments of the city government, shall establish and supervise standard personnel policies and practices and shall install, maintain and direct throughout the department a system of work programs and where practicable, quarterly allotments in connection with the operation of the budget.

(c) The department, under the director, shall be in charge of and shall supervise enforcement of the city tax program and shall collect all license fees, except as provided by law, and all city taxes except those imposed upon real estate and shall advise the mayor with respect to expected revenues for budget purposes.

(d) The department shall conduct and process all disbursements by the city.

(e) The civil service examining boards as established by the Third Class City Code and the Firemen's Civil Service Law of May 31, 1933, P.L. 1108, shall be attached to and function within this department, notwithstanding anything to the contrary in the repealing sections of this ordinance.

The pension boards as now existing under present ordinances, shall be attached to and function within this department, except that in the Firemen's Pension Fund Board, the director of the department of public safety under this ordinance shall be substituted for the director of public safety under the Third Class City Code and in the officers and employees retirement board, the director of the department of administration and fiscal affairs, under this ordinance, shall be substituted for the director of accounts and finance under the Third Class City Code, notwithstanding anything to the contrary in the repealing sections of this ordinance.

(f) There shall be attached to and operate within the department under the supervision of the director, the city assessor. The city real estate registry shall be maintained in the office of the city assessor.

(g) There shall be attached to and function within the department as a departmental administrative board, the city tax review board.

Section 323. Department of Community Development.

(a) The department of community development shall be headed by a director of community development. The department of community development shall, under its director, supervise the enforcement of the city building, housing and plumbing codes and the city zoning ordinance. It shall be responsible, with the advice of the city planning commission, for the conduct of the planning operations of the city, including, but not limited

to, such operations as future land use designation and traffic engineering.

(b) The department of community development shall henceforth perform the following functions, otherwise delegated by general law to the city planning commission:

- (1) It shall be furnished by the city clerk and shall act upon all bills, and amendments thereto, relating to public buildings, streets, grounds, transportation facilities and to the city plan to the extent and in the manner provided by general law;
- (2) It shall make recommendations to council concerning public improvements, historical property and the city plan to the extent and in the manner provided by general law;
- (3) It may make recommendations to public authorities and to persons in the city concerning the location of buildings, structures or works to be erected or constructed by them; and
- (4) It shall receive for its review and approval all plans of building lots located within the city or for a distance of three miles outside of the city as set forth by general law.

(c) There shall be attached to and function within the department of community development as departmental administrative boards the city planning commission and the zoning board

of adjustment.

(d) The department of community development shall have the duty of coordinating the planning and development activities of the city and of maintaining liaison with the regional and county planning commissions and the city housing, parking, redevelopment, sewer and other authorities.

(e) The department of community development shall plan for and conduct the recreational and cultural activities of the city and shall operate the facilities necessary therefor. It shall, in conjunction with other governmental and private agencies participating therein, carry on such recreational programs as may be provided for by the Commonwealth of Pennsylvania, by the city or by agreement with such other agencies.

(f) The department of community development shall plan the lay-out and facilities of parks and recreational areas within the city.

(g) There shall be attached to and function within the department of community development, as a departmental administrative board, the city recreation commission.

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Section 324. Department of Public Safety.

(a) The department of public safety shall be headed by a director of public safety. The department of public safety shall supervise the fire, health and police services required for the protection of the residents of the city and provided for by council, as well as of persons living outside the city

to whom such services are extended by action of council. The department also shall maintain and direct the offices of the city inspector of weights and measures and the city director of civil defense.

(b) There shall be attached to and function within the department of public safety as a departmental administrative board, the city police advisory board.

Section 325. Department of Public Works.

(a) The department of public works shall be headed by a director of public works. The department of public works shall be responsible for the construction and maintenance of city streets and highways, city parking facilities, city parks, city storm and sanitary sewers <sup>system</sup> and all other city owned properties and facilities. The department shall also carry out the function of refuse collection and disposal.

(b) There shall be attached to and operate within the department, under the supervision of the director, the city electrical bureau and the city engineer, if one be appointed.

(c) The functions of the department shall be carried out in cooperation with the operating activities of the other departments of the city government; and the personnel attached to the department may, by order of the mayor, perform such construction, maintenance and technical services as are required by the other departments.

C. OFFICERS AND EMPLOYEES

Section 330. City Treasurer.

(a) The city treasurer shall be elected for a term of four years, and until his successor qualifies, at the municipal election of 1963 and every four years thereafter, said term to begin on the first Monday of January following his election. At the time of his election he shall be at least twenty-five years of age and shall have been a resident of the city throughout one year immediately preceding such election. He shall reside in the city throughout his term of service.

(b) If a vacancy occurs in the office of treasurer, council shall fill such vacancy within thirty (30) days by choosing a qualified person to serve as treasurer until the first Monday in January following the next municipal election occurring at least two hundred (200) days after the vacancy occurs. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday of January following, for a new term of four (4) years. If a vacancy occurs within two hundred (200) days of a regular municipal election at which the office of treasurer is to be filled for a new term of four (4) years, the person selected by council shall serve only until the first Monday in January following such election. If a vacancy is not filled by council within the time above specified, the Court of Common Pleas of York County, upon petition of ten (10) or more

qualified electors of the city, shall fill such vacancy by the appointment of a qualified person for the portion or all of the unexpired term as provided herein.

(c) The Treasurer may appoint such employees of his office in such number and at such compensation as is fixed in accordance with law. In all other respects said employees shall be considered as employees of the city.

(d) The city treasurer shall carry out such duties and exercise such powers with respect to the receipt and disbursement of public monies as are provided by general law and, in addition thereto, shall receive for deposit from the departments of the city government, all city monies collected by such departments.

(e) The city treasurer shall disburse all city funds in accordance with checks presented to him therefor and duly signed by the city controller and the mayor.

(f) The city treasurer shall furnish such fidelity bond and insurance as is required by general law. The amounts of said bond and insurance shall be fixed by council at the time a treasurer assumes office.

Section 331. City Controller.

(a) The city controller shall be elected for a term of four years and until his successor qualifies, at the municipal election of 1963 and every four years thereafter, said term to begin on the first Monday of January following his election. He shall be a competent accountant and, at the time of his

election, shall be at least twenty-five years of age and shall have been a resident of the city throughout one year immediately preceding such election. He shall reside in the city throughout his term of service.

(b) If a vacancy occurs in the office of controller, council shall fill such vacancy within thirty (30) days by choosing a qualified person to serve as controller until the first Monday in January following the next municipal election occurring at least two hundred (200) days after the vacancy occurs. At such municipal election a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday of January following, for a new term of four (4) years. If a vacancy occurs within two hundred (200) days of a regular municipal election at which the office of controller is to be filled for a new term of four (4) years, the person selected by council shall serve only until the first Monday in January following such election. If a vacancy is not filled by council within the time above specified, the Court of Common Pleas of York County, upon petition of ten (10) or more qualified electors of the city, shall fill such vacancy by the appointment of a qualified person for the portion or all of the unexpired term as provided herein.

(c) The controller may appoint such employees of his office in such number and at such compensation as is fixed in accordance with law. In all other respects said employees

shall be considered as employees of the city.

(d) The city controller shall be responsible for the establishment and maintenance of a uniform accounting system throughout the city government, which system shall be so designed as to reflect accurately the assets and liabilities, income and expenses of the city and the operation of the city budget at any time during the fiscal year. He shall receive from the other department heads such information regarding city properties and obligations and city income and expenditures as he deems necessary to carry out these duties and shall furnish the other department heads and council with a report concerning these matters at least monthly and at such other times as he deems necessary.

(e) The city controller shall review all warrants for the expenditure of city monies and, if satisfied that such expenditure is within the budget allotment pertaining thereto, shall sign said warrant before payment is made. In so doing, he shall also pre-audit all claims and demands against the city prior to payment and shall sign checks drawn for payment thereof only if satisfied that such payment is in accordance with law.

(f) The city controller shall make a report to the mayor and to council, at the time of the first meeting of council in March of each year, of the audits which he shall have made of the accounts for the preceding fiscal year of all officers having charge, custody and control or disbursement of public

monies and other funds, showing the balance in their hands respectively; and, at the same time, he shall file a copy of said report with the clerk of the court of quarter sessions. Appeals therefrom may be taken as provided by general law. A summary of said report shall be prepared by the city controller and posted in the center hall of the main entrance of city hall. Council or the mayor may, from time to time, require interim reports from the city controller.

(g) The city controller shall have the power to administer oaths or affirmations in relation to any matter touching the authentication of any account, claim or demand of or against the city; and he shall have the power to issue subpoenas to obtain the attendance of any officers of the city or elsewhere whose accounts he is required or authorized to adjust, audit and settle and of any person whom it may be necessary to examine as a witness in connection therewith. Any city officer refusing to appear upon being subpoenaed shall be subject to removal from office by the mayor for such refusal; and any person, including a city officer, wilfully refusing to appear upon being subpoenaed, without sufficient cause therefor, shall, upon conviction thereof, be sentenced to pay a fine not exceeding two hundred dollars (\$200.00) and costs of prosecution and, in default of payment of said fine and costs, to undergo imprisonment in the York County jail for a period not exceeding sixty (60) days.

(h) All bonds, notes, contracts and written obligations of

the city shall be executed by the controller together with the mayor.

(1) The city controller shall give bond to the city, as required by general law, in a sum fixed by council at the time a controller assumes office.

Section 332. City Solicitor.

(a) The city solicitor shall be appointed by the mayor with the advice and consent of council. He shall be admitted to practice before the Supreme Court of Pennsylvania and the various courts of York County at the time of his appointment and shall maintain an office within the city during his tenure as city solicitor. He shall serve at the pleasure of the mayor and shall be attached to the mayor's office for budget purposes.

(b) The city solicitor shall be the chief law officer of the city and shall have control over all city law matters. No city department or officer shall employ or retain any other counsel in any matter; but the mayor may appoint, with the advice and consent of council, such assistant solicitors as he and the city solicitor deem necessary. The mayor, at the request of the city solicitor and with the approval of council, may also retain special counsel for a particular proceeding.

(c) The city solicitor shall represent the city in all legal actions brought by or against the city, shall render legal opinions to council, the mayor, the department heads, the administrative boards, and the city controller and city treasurer upon questions of law submitted by any of them in their official

capacities and shall maintain the city lien docket. It shall be the duty of any officer or agency of the city requiring legal advice to refer such matter to the city solicitor.

(d) The city solicitor shall be furnished by the heads of the various departments with statements of claims of the city which remain due and unpaid within thirty (30) days from the date said claim became due and payable, and the city solicitor shall enter such claim in the city lien docket. Upon payment of any claim so entered, the person receiving said payment shall forward to the city solicitor a satisfaction piece; and it shall be the duty of the city solicitor to cause satisfaction to be entered upon the proper record.

(e) The city solicitor shall, following the end of every month, make a return to the city controller, under oath or affirmation, of each item of monies received by or through him, or his assistants, by virtue of his office or on account of any matter connected therewith. Upon making such return, he shall pay over the amount in his hands to the city treasurer. He shall, similarly, pay into the city treasury all fees received by him in his official capacity exclusive of any judgment fee or commission allowed him in his capacity of attorney.

(f) The city solicitor shall give bond to the city, as required by general law, in a sum fixed by council at the time a solicitor assumes office.

Section 333. Other officers and employees.

All other officers and employees of the city shall be appointed

as provided in section 321 of this ordinance. No such appointment shall be made unless funds therefor are contained in the current budget, and it shall be the responsibility of the mayor to determine what other offices and employments are necessary for the proper governance of the city. Any person, appointed to office or employment in the city government after the effective date of this ordinance shall, if he be not a resident of the city at the time of his appointment or employment, become a resident of the city within ninety days thereafter unless council, by resolution, states otherwise.

Section 334. Blanket bonds.

Any officer or employee of the city who is or may be required to give bond to the city conditioned for the faithful performance of his duties, except such officers and employees who are required by law to give individual bonds, may be covered by a public employees blanket bond, the amount and coverage thereof to be determined by the mayor.

D. BOARDS AND COMMISSIONS

Section 340. Planning Commission.

(a) The city planning commission shall be composed of five persons appointed by the mayor, with the advice and consent of council, for a term of five years and until their successors are appointed and qualify. Vacancies occurring otherwise than by expiration of a term shall be filled for the unexpired term. The members shall serve without compensation. The commission shall be attached to and function within the department of community development.

(b) The city planning commission shall advise the department of community development with respect to the planning operations of the city, the location and use of city buildings, streets, parks and other facilities, the location and use of public authority or private buildings and works and proposed plans for building lots requiring the review and approval of the department.

Section 341. Recreation Commission.

(a) The city recreation commission shall be composed of five persons appointed by the mayor, with the advice and consent of council, for a term of five years and until their successors are appointed and qualify. Vacancies, occurring otherwise than by expiration of a term, shall be filled for the unexpired term. Two of the members shall be members of the school board. The members shall serve without compensation. The commission shall be attached to and function within the department of community development.

(b) The city recreation commission shall advise the department of community development with regard to the department's extension recreation program and shall determine the proper allotment of city and state funds for such program.

Section 342. Zoning Board of Adjustment.

(a) The city zoning board of adjustment shall be composed of three persons appointed by the mayor, with the advice and consent of council, for a term of three years and until their successors are appointed and qualify. Vacancies occurring other

than by expiration of a term shall be filled for the unexpired term. The members shall serve without compensation. The board shall be attached to and function within the department of community development.

(b) The zoning board of adjustment shall perform such duties and exercise such powers with respect to zoning matters within the city as are imposed upon it by general law and by the city zoning ordinance.

#### Section 343. Civil Service Boards

(a) The various civil service boards as now constituted by the Third Class City Code and the Firemen's Civil Service Act (Act May 11, 1933; P.L. 1108) shall continue to function as prescribed by said statutes, notwithstanding any other provisions of this ordinance, including repealing clauses, to the contrary. They shall be under the jurisdiction of the department of fiscal affairs.

#### Section 344. Pension Boards.

(a) Notwithstanding any provisions of this ordinance, including repealing clauses to the contrary, the various pension boards as now existing under present ordinances shall continue to function as prescribed by said ordinances except that in the Firemen's Pension Fund Board, the director of the department of public safety, under this ordinance, shall be substituted for the director of public safety under the Third Class City Code, and in the officers and employees retirement board, the director of the department of administration and fiscal affairs, under this

ordinance, shall be substituted for the director of accounts and finance, under the Third Class City Code.

Section 345. Police Advisory Board.

(a) The city police advisory board shall consist of five persons appointed by the mayor for a term of five years and until their successors are appointed and qualify. Vacancies, occurring other than by expiration of a term, shall be filled for the unexpired term. The members shall serve without compensation. The board shall be attached to and shall function within the department of public safety.

(b) The city police advisory board shall perform the following duties and exercise the following powers:

(1) Investigate and hear complaints by citizens, civic groups or public officials or employees of alleged misconduct to private citizens by the personnel of the city police force and report the result of its investigations and hearings to the director of the department of public safety. The term "misconduct" shall include, but not be limited to, mistreatment, abusive language, false arrest, unreasonable or unwarranted use of force, unreasonable searches and seizures, denial of civil rights or discrimination because of race, religion or national origin.

(2) Consult with and advise the director of the department of public safety and the mayor with respect to methods, techniques, policies, procedures and regulations for effectuating the city policy against police oppression.

(3) Submit reports annually with regard to its work and recommendations.

(4) Adopt and promulgate such rules and regulations and utilize such procedures, methods and techniques as it deems necessary or desirable to accomplish its function.

<sup>346</sup>  
Section 346. Tax Review Board.

(a) The city tax review board shall be composed of three persons; the city solicitor, the city controller and a third member who shall not otherwise be employed by the city. The third member shall be appointed by the mayor with the advice and consent of council for a term of four years and until his successor is appointed and qualifies. A vacancy, occurring other than by expiration of a term, shall be filled for the unexpired term. The members shall serve without compensation for their service. The board shall be attached to and shall function within the department of administration and fiscal affairs.

(b) The member of the board who is not otherwise employed by the city shall be chosen with reference to his qualifications to review the questions raised before the board and need not be the same person in all cases. In any event, when the question before the board relates to the imposition, collection and refund of city taxes other than the tax upon the assessed valuation of real estate or the assessment itself of real estate, the third member shall be a qualified accountant. When the question before the board relates to the assessment placed upon real estate or to the tax imposed thereon, the third member shall be a qualified real estate appraiser.

(c) The city tax review board shall review, upon petition by taxpayers of the city, all questions relating to the imposition,

collection and refund of city taxes, including interest and penalties thereon, and shall hear all appeals from the assessments of real property by the city, provided that, in the latter case, it shall adhere to the requirements of general law relating to notice and hearing. It shall, after any such review or hearing, decide the question presented to it and submit its decision to the director of the department of administration and of fiscal affairs, who shall be bound thereby unless the party petitioning for review or appealing shall further appeal to the Court of Common Pleas or be sued by the city therein for payment of the tax in question.

(d) In any case where the board so wishes, it may request the city assessor to appear before it and present such information as it desires; and it shall be the duty of the assessor so to appear and to assist the board.

Section 347. General Provisions.

(a) No person shall serve as a member of any city board or commission who is not, throughout his term of service, a resident of the city unless council, by resolution, states otherwise.

(b) No member of council or other city officer or employee shall serve as a member of any city board or commission except as is specifically provided for in this ordinance.

(c) No member of any board or commission shall receive any compensation for his services, but he shall be reimbursed for any necessary expenses actually incurred by him in the

performance of his official duties. Any board or commission, itself incurring or requiring the expenditure of funds in connection with its official duties, shall request the same from the director of the department to which the board or commission is attached. It shall be the duty of any such director to provide for such expenses and expenditures in his budget request for each fiscal year and to designate such provision as being for the work of the board or commission and its members involved.

(d) The terms of all members of the city planning commission, city recreation commission, city zoning board of adjustment and the city police advisory board shall be on a staggered basis; that is, appointment for the initial terms of the members of the city planning commission, city recreation commission and city police advisory board shall be for one, two, three, four and five years with all subsequent appointments to be for terms of five years; appointment for the initial terms of the members of the city zoning board of adjustment shall be for one, two and three years with all subsequent appointments to be for terms of three years.

(e) In any case where appointment to any board or commission is made by the mayor with the advice and consent of council, except for appointments to the city zoning board of adjustment, the appointee may be removed at the pleasure of the mayor and the vacancy thus created filled for the balance of the unexpired term.

ARTICLE IV

FISCAL

Section 401. Fiscal Year.

The fiscal year of the city shall begin on the first Monday of January.

Section 402. Appropriations.

No monies shall be paid out of the city treasury except upon appropriation previously made by council and upon warrant pursuant thereto, which warrant shall explicitly state the purpose for which the money is to be drawn. No work shall be hired to be done, no materials purchased, no contracts made and no order issued for the payment of any monies in any amount which will cause the sums appropriated to specific purposes to be exceeded. The council may make supplemental appropriations for any lawful purpose from funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose. The director of the department of administration and fiscal affairs shall have the power to authorize the transfer of any unexpended balance of any appropriation item, or any portion thereof, within a department or from department to department; but if the amount transferred is more than five percent of the amount of the appropriation item, if the transfer is within a department, or more than five percent of the total departmental appropriation of the department from which the transfer is made, if the transfer is from department to department, then the director of the department of administration and fiscal affairs shall not make such transfer without obtaining the approval of at least four members of council.

Section 403. Depositories of City Funds.

The city treasurer shall deposit all city funds and all city taxes collected by him in such banks or other financial depositories as he is directed by the mayor, city controller and himself acting as a body for the designation of city depositories. All such deposits shall be made in the name of the city, and all designated depositories shall be institutions having their main or central offices within the city of York.

Section 404. Temporary Investment of City Funds.

The mayor, the city treasurer and the city controller, acting as a body for the temporary investment of city funds, shall have power to provide for such investment in United States Treasury bills and for the disposal of such securities when the monies may be needed or in savings accounts or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to the extent that such accounts are so insured.

Section 405. Budget.

(a) The city budget shall be prepared annually by the mayor with the assistance of the director of the department of administration and fiscal affairs. In order to prepare the budget, the mayor shall require all department heads to submit requests for appropriations to him and to appear before him or such other officer as the mayor shall designate at a public hearing on such requests. The city clerk shall also appear at such hearing and shall submit for incorporation into the budget the requests for appropriations for the use of council.

(b) Except for the budget for the fiscal year beginning on the first Monday of January, 1962, the mayor shall present the budget to council at no later than the last meeting scheduled in November of each year preceding the fiscal year for which the budget is submitted. The budget shall be in the form of an analysis of the various proposed items of revenue and expenditure.

(c) In considering the budget, council may reduce any item by a vote concurred in by at least three members; but it may increase or add an item only if four members vote in favor thereof. After passing the proposed budget ordinance on first reading, council shall fix a date for final passage thereof which date shall not be later than the 31st day of December immediately following. In the interval between passage on first reading and final passage, the proposed budget ordinance shall be available for public inspection in the office of the city clerk.

(d) In the month of January following any municipal election the mayor may submit and council may pass amendments to the budget ordinance adopted during the preceding month. In so doing, it shall cause the amended ordinance to be available for public inspection in the office of the city clerk during the interval between first reading and final passage of said amendments.

(e) All expenditures of the city shall be made in accordance with the budget, shall, where practicable, be based upon a system of quarterly allotments thereof as established by the director of the department of <sup>Administration and</sup> fiscal affairs, with the approval of the mayor and shall be specifically identified with reference to the budget.

Section 406. Finance Control.

(a) The city controller shall be responsible for determining that, in the operation of the budget, no funds are expended which have not previously been allotted for such expenditure, no expenditures are made except upon written requisition and no payment is made unless a warrant therefor has been properly signed and a check therefor presented to the city treasurer.

(b) No claim or demand against the city for services rendered or goods sold to the city shall be paid unless said claim or demand has been audited by the city controller prior thereto as provided in section 331 of this ordinance.

(c) There is hereby appropriated out of any money in the city treasury not otherwise appropriated, Two Hundred Dollars (\$200.00) which shall be known as the Petty Expenditures Revolving Fund. From this fund shall be paid all properly approved purchases and expenditures made by any department agency, commission, bureau, other unit, officer or employee for incidentals. At the end of each month the director of the department administering the centralized purchasing system shall render to the city controller a statement showing the actual expenditures for each user so made out of such petty expenditures revolving fund.

Section 407. Annual Audit.

All accounts of the city shall be audited following the close of each fiscal year by an independent certified public accountant selected by resolution of council in the month of January following the close of the fiscal year. No person so selected shall be

selected for more than two consecutive years.

Section 408. Contracts.

(a) In administering the centralized purchasing system, the Director of the Department of Administration and Fiscal Affairs shall purchase no goods, properties or services for or on behalf of the city, except as hereafter provided, involving an expenditure of more than One Thousand Dollars (\$1000.00) except under written contract entered into after competitive bidding on such purchase following advertisement three times, on different days in a newspaper of general circulation in the city. All such contracts shall be awarded to the lowest responsible bidder, but the city shall be deemed to reserve the right to reject any and all bids in connection with any such contract. Provided that any such contract which involves an expenditure exceeding the sum of Five Thousand Dollars (\$5000.00) shall not be undertaken or proceeded upon except after reference thereof to the Council and approval by the Council by ordinance or resolution.

(b) The following purchases or contracts shall not require advertising or bidding as set forth in subsection (a) of this section:

(1) Those for maintenance or repair of any public work of the city in the event that an emergency arises with regard to such work and there is insufficient time to proceed as set forth in subsection (a) of this section.

(2) Those where a particular property is needed, is subject to patent or copyright and the need cannot be satisfied by an equally satisfactory alternative.

(3) Those involving policies of insurance, surety bonds, public utility service under tariffs on file with the appropriate governmental regulatory agency; those made with a state or local

or the federal government or any agency or public authority thereof as long as the price for any goods purchased or leased therefrom is not in excess of that fixed by the seller or lessor;

(4) Those for personal or professional services.

(c) All other matters pertaining to the advertisement, bidding and award of contracts for the purchase of goods, properties or services not otherwise subject to this section shall be determined in accordance with rules and regulations for the operation of the centralized purchasing system to be drawn and promulgated by the director of the department of administration and fiscal affairs with the approval of the mayor, provided that such rules and regulations shall provide for the protection of the city in such cases (1) by requiring a proper bond, check, or other security to be forfeited for nonperformance; (2) by requiring, where appropriate, a bond for the protection of persons furnishing material to or supplying or performing labor for the city in the carrying out of any contract in excess of one thousand dollars (\$1,000) for the construction, repair or addition to any public work or improvement; (3) by requiring, whenever the contract involves the employment of labor, that the contractor will accept, with respect to the work involved, the provisions of the Pennsylvania Workmen's Compensation Act and will either insure his liability thereunder or file a certificate of exemption from such insurance from the Pennsylvania Department of Labor and Industry; (4) by requiring, whenever the contract involves the employment of labor, that the contractor or any

subcontractor will not discriminate on account of race, color, creed or national origin in his hiring of employees for the performance of work under the contract, and (5) by including such specifications as are required by the "Pennsylvania Prevailing Wage Act", Act of August <sup>15</sup>~~14~~, 1961, ~~P.L.~~ <sup>Act</sup> 442, with regard to the payment of wages to workmen employed in the performance of the contract.

Section 409. Compensation.

Salaries and wages paid to employees of the city shall be standardized throughout the city government insofar as such standardization is consistent with the needs of the city government. For these purposes the director of the department of administration and fiscal affairs shall prepare a standard compensation plan which the mayor, following his review and approval, shall promulgate by executive order. The mayor, subject to the provisions of the budget, may create and abolish offices and positions of employment when the same are not otherwise provided for by law or ordinance.

ARTICLE V

ENFORCEMENT OF ORDINANCES

Section 501. General Enforcement.

All prosecutions for the violation of the ordinances of the city and all proceedings for the recovery of fines, penalties and forfeitures imposed thereby shall be brought and conducted as prescribed by general law and this ordinance.

Section 502. Police Court.

(a) Prosecutions for violations of city ordinances, other

than traffic and parking ordinances, shall be brought in the mayor's police court; and no person shall be excused for any such violation except after hearing in said court.

(b) Any person found guilty in police court of violating an ordinance of the city may appeal from said judgment in the same manner as provided generally by law for appeals in proceedings for the recovery of penalties.

(c) The police court shall be under the jurisdiction and control of the mayor, who shall establish procedural rules and regulations for the operation thereof and who may, if he so desires, request any alderman of the city to attend said court and to perform all of the duties and exercise all of the powers which the mayor would otherwise have were he so sitting. The mayor shall provide in the budget for the operations of the police court and shall fix the compensation to be paid to any alderman sitting in his stead therein.

## ARTICLE VI

### GENERAL PROVISIONS

#### Section 601. Prohibited Actions.

(a) No officer or employe of the city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the city; and no such officer or employe shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, to be furnished or performed for any person operating any inter-urban railway, street railway,

bus line, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of such city.

(b) No officer or employe of the city shall accept or receive, directly or indirectly, from any person operating within the territorial limits of a city, any inter-urban railway, bus line, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise any frank, free pass, free ticket or free service or accept or receive, directly or indirectly, from any person any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the city officials heretofore provided by any franchise or ordinance be affected by this section.

(c) No candidate for office, appointment or employment and no officer, appointee, or employee of the city shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

(d) No officer or employee of the city, personally or by a partnership, firm or association of which he is a member, shall,

except in the performance of his duties as such officer or employee or except with respect to matters of a ministerial nature, represent or accept employment from or be retained by any person in relation to any matter pending before or involving the city or any board or commission thereof; nor shall he, or any partnership, firm or association of which he is a member, following termination of his service with the city, represent any person adverse to the city in relation to any matter in which he personally participated during his period of city service or employment.

(e) Any officer or employee who violates the provisions of subsection (d) of this section shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00) and costs of prosecution and, in default of payment of said fine and costs, to undergo imprisonment in the York County jail for a period not exceeding ninety (90) days.

Section 602. Conviction of Crime.

Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any city office, position or employment and, upon conviction thereof while in office, shall forfeit his office.

Section 603. Refusal to Testify.

If any person hereafter elected or appointed to any office or position in the city shall, after lawful notice or process, willfully refuse or fail to appear before any court, any legislative committee or the Governor or, having appeared, shall refuse to testify or to answer any question regarding the property, government or affairs of the city which fall within the scope of his

duties or the conduct of his office or regarding his nomination, election, appointment or official conduct or shall refuse to execute a waiver of immunity from prosecution on account of any such matter in relation to which he may be asked to testify, he may be removed from office by the council of the city in its discretion. Any person removed from office pursuant to this section shall not thereafter be eligible for election or appointment to any office or employment in the city.

Section 604. Sundays and Holidays.

Whenever any time established by this ordinance for the taking of any action expires on a Sunday or on a legal holiday, such time shall not expire on said day but shall expire on the next week-day.

Section 605. Rules and Regulations.

(a) No rule or regulation made by any department, officer, agency or authority of the city, except such as relates to the organization or internal management of the city, shall take effect until it has been approved as to form and legality by the city solicitor, approved by the mayor and filed with the <sup>administration and</sup> director of the department of/fiscal affairs and the city clerk.

(b) The director of the department of administration and fiscal affairs shall keep a record of all rules and regulations filed with him and shall publish them within sixty (60) days after the date of filing. He shall, with the advice and assistance of the city solicitor, bind, compile and codify all rules and regulations from time to time.

Section 606. Cooperation with Other Political Subdivisions.

The city recognizes that, under modern conditions of metropolitan growth, the boundary lines of governmental subdivisions rarely reflect the boundary lines of governmental services and activities. Therefore, all officers and employees of the city shall take all action desirable and necessary to establish and carry out cooperative programs with other governmental subdivisions in the area and vicinity of the city to the end that greater efficiency and economy of operation and improved quality of service will result.

Section 607. Constitutional Construction.

The provisions of this ordinance shall be severable; and, if any of its provisions shall be held to be unconstitutional or illegal, the validity of any of the remaining provisions of the ordinance shall not be affected thereby. It is hereby expressly declared as the intent of council that this ordinance would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.

ARTICLE VII

ORDINANCES REPEALED; EFFECTIVE DATE

Section 701. General Repeal.

All other ordinances or parts of ordinances of the city inconsistent with this ordinance or any part thereof are hereby repealed absolutely.

Section 702. Effective Date.

This ordinance shall take effect twenty days after its final passage by council and approval by the mayor.

PASSED FINALLY: February 2, 1962

By the following vote:

YEAS: Baker, Elgin, Minter, Schiding; 4.

NAYS: None. Abstained - Mr. Hydeman.

ATTEST:

*Fred Schiding*  
PRESIDENT OF COUNCIL

*Francis McNamee*  
CITY CLERK

APPROVED *Feb. 12, 1962*

*John L. Snyder*  
MAYOR

VETOED \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

REPASSED OVER MAYOR'S VETO \_\_\_\_\_.

By the following vote:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

NAYS: \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CITY CLERK

