

## No. 1992-18

## AN ACT

## HB 758

Amending the act of July 15, 1957 (P.L.901, No.399), entitled "An act giving cities of the third class the right and power to adopt one of several plans of optional charters and to exercise the powers and authority of local self-government subject to certain restrictions and limitations; providing procedures for such adoption and defining the effect thereof," further providing for the powers and duties of the mayor and of the city manager.

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

Section 1. Section 413 of the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, is amended by adding a subsection to read:

Section 413. \* \* \*

*(d) The mayor, or a person designated under section 414 to act as mayor, may require that bids be accompanied by a good faith tender of either cash, a certified check, a cashier's check, a corporate surety bond or other irrevocable letter of credit in a reasonable amount. The advertisement soliciting bids shall set forth the requirement, when applicable, and the amount to be tendered. If a bidder is selected but is unable to perform, the city may retain the amount tendered with the bid as damages.*

Section 2. Section 516 of the act is amended to read:

Section 516. (a) The city manager shall:

- (1) Be the chief executive and administrative official of the city;
- (2) Execute all laws and ordinances of the city;
- (3) Appoint and have power to remove a deputy manager, if one be authorized by the council, all department heads and all other officers, subordinates, and assistants for whose selection or removal no other method is provided in this article, except that he may authorize the head of a department to appoint and remove subordinates in such department, supervise and control his appointees, and report all appointments or removals at the next meeting thereafter of the city council;
- (4) Negotiate contracts for the city, subject to the approval of the city council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the city council;
- (5) See that all terms and conditions imposed in favor of the city or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed, and upon knowledge of any violation, call the same to the attention of the city council;
- (6) Attend all meetings of the city council with the right to take part in the discussions, but without the right to vote;

(7) Recommend to the city council for adoption such measures as he may deem necessary or expedient, keep the council advised of the financial condition of the city, make reports to the council as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;

(8) Investigate at any time the affairs of any officer or department of the city which is under his jurisdiction;

(9) Perform such other duties as may be required of the city manager by ordinance or resolution of the city council;

(10) The city manager shall be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the city within the jurisdiction of the council.

*(b) The city manager may require that bids be accompanied by a good faith tender of either cash, a certified check, a cashier's check, a corporate surety bond or other irrevocable letter of credit in a reasonable amount. The advertisement soliciting bids shall set forth the requirement, when applicable, and the amount to be tendered. If a bidder is selected but is unable to perform, the city may retain the amount tendered with the bid as damages.*

Section 3. This act shall take effect in 60 days. |

APPROVED—The 3rd day of April, A. D. 1992.

ROBERT P. CASEY