
Chapter 4, ADMINISTRATION OF GOVERNMENT

[HISTORY: Adopted by the City Council of the City of Hazleton 11161995 by Ord. No. 9518 as Ch. 4 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Council of Governments See Ch. 40.

Council minutes See Ch. 59, Art. II.

Smoking in City Hall See Ch. 19B.

ARTICLE I, Short Title and Definitions

§ 41. Short title.

This chapter shall be known and may be cited as the "Administrative Code of the City of Hazleton, 1987."

§ 42. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVAL A majority of members at a meeting if a quorum is present.

CHARTER LAW The Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §_2901 et seq.

CITY The City of Hazleton, Pennsylvania.

COUNCIL The City Council of the City of Hazleton, Pennsylvania.

MUNICIPAL ELECTION That election required by the Constitution of Pennsylvania to be held in oddnumbered years.

ORDINANCE A proposed law that is subject to the legislative process before it can become law. It is subject to the veto power of the Mayor.

PERSON Includes an individual, a partnership, an association and a corporation.

RESOLUTION A formalized statement of an opinion or a decision. It expresses the sentiments of the Council and requires no approval of the executive branch.

ARTICLE II, Legislative Council

§ 43. Legislative power.

The legislative power of the City government shall be vested in and exercised by the Council.

§ 44. Composition of Council; election.

The Council shall consist of five members elected at large.

§ 45. Meetings of Council.

A. Council meetings shall be held at least once a month at such place and time as fixed by resolution of Council.

B. All regular and special meetings of Council shall be open to the public, and public notice of such meetings shall be given as required by law.

C. The proceedings of the Council shall be governed by rules and regulations of parliamentary procedure as fixed by resolution of Council^{EN}

§ 46. Council Clerk.

The Council Clerk shall be appointed by and shall serve at the pleasure of the Council.

§ 47. Legal Adviser to City Council. [Added 1251996 by Ord. No. 961]

- A. Appointment and removal. A Legal Adviser to City Council shall be appointed for an indefinite term by a majority of all members of Council. The Legal Adviser shall serve at the pleasure of the Council and may be removed at any time by a majority vote of all its members.
- B. The compensation payable to the Legal Adviser to City Council shall be fixed from time to time by Council.
- C. The duties of Legal Adviser shall be as set forth herein, as follows:
- (1) The Adviser to City Council shall attend regular meetings, work sessions or executive sessions of the City Council when requested by the President of City Council or a member of Council.
 - (2) The Adviser to City Council shall attend any other meetings related to business of City Council when requested to by the President of Council or member of Council.
 - (3) The Adviser to City Council shall be available to the City Clerk for the purpose of consultation and advice on issues related to the duties of the Clerk and Council business, and to assist in drafting resolutions and ordinances.
 - (4) The Adviser to City Council shall review all resolutions, leases, agreements and other documents upon which Council action will be required.
 - (5) The Adviser to City Council shall review proposed ordinances prepared by the Administration for the purpose of advising Council regarding the same.
 - (6) The Council shall have the right to request written legal opinions from the Adviser to City Council. A copy of written legal opinions requested by a member of Council shall be forwarded to the President of Council, each member of Council, the Council Clerk, and to the City Solicitor unless doing so would violate attorneyclient privilege, the Pennsylvania Rules of Professional Conduct, or the Rules of Professional Conduct of the American Bar Association.
 - (7) The Adviser to City Council shall be available at the request of the City Solicitor for the following purposes:
 - (a) Consultation concerning pending or threatened litigation involving the City or ordinances of the City that may be subject to challenge.
 - (b) Consultation concerning the drafting of proposed City ordinances.

. Editor's Note: Said rules and regulations are on file in the office of the City Clerk and can be examined there during regular office hours.

(c) Consultation regarding any other matters relating to City business.

ARTICLE III, Executive and Administrative Organization

§ 48. Mayor to exercise executive power; vacancy.

- A. The executive power of the City government shall be exercised by the Mayor.
- B. Powers of Mayor. The Mayor shall appoint and remove all department heads pursuant to 53 Pa.C.S.A. § 3013 of the Charter Law. All department head appointments submitted by the Mayor to Council for approval shall be submitted at least 10 days prior to and acted upon by Council at its next stated meeting, if the Mayor so requests. Any employee of a department may be removed by the head of the department with the conduct of proper procedures and the approval of the Mayor.
- C. Vacancy in office of Mayor. Until such time as either Council or the court fills a vacancy in the office of the Mayor, the Director of Administration shall serve as acting Mayor.

§ 49. Administrative organization; departments.

The City shall have the following departments under the supervision of the Mayor:

- A. Administration.
- B. Public Works.
- C. Police. [Amended 9121996 by Ord. No. 9617]
- D. Public Services.
- E. Fire. [Added 9121996 by Ord. No. 9618]
- F. Community Development. [Added 9121996 by Ord. No. 9619]
- G. Tax Collection. [Added 9121996 by Ord. No. 9620]

§ 410. Department heads.

Each department shall be headed by a Director appointed by the Mayor, solely on the basis of executive and administrative qualifications appropriate to the duties of each department. In addition to the duties prescribed in general law, each Director of a department shall, under the direction of the Mayor:

- A. Direct the performance of all duties and responsibilities required of his department or its subordinate agencies provided by state law, this Administrative Code, or other ordinances of the city, and such other duties as may be required by the Mayor which are not in conflict with law or ordinance.
- B. Prescribe the internal organization of the department and the duties of subordinate officers and employees within the department.
- C. Assign functions, powers and duties to subordinate officers and employees within the department and modify such assignments as need appears.
- D. Supervise the work of the department through the provisions provided by the Administrative

Code and such other organization units as the head of the department may find necessary or desirable and supervise and direct the work of the employees of the department.

- E. Delegate to division heads such of his power as he may deem necessary for efficient administration.
- F. Report at least annually or at such times as Council deems necessary to the Mayor and Council, in such form as shall be approved by the Director of Administration, on the work of the department during the preceding year.

§ 411. Department of Administration. [Amended 3281996 by Ord. No. 964; 8141996 by Ord. No. 9616]

A. The Department of Administration, under the direction of the Director of Administration, shall perform the fiscal and administrative service function for the City. The areas of responsibility of this Department shall be:

- (1) Supervision of established standard personnel policies and practices;
- (2) Assistance to the Mayor in the preparation of the budget;
- (3) Administration of a centralized purchasing system for all departments of the City government;
- (4) Maintenance and supervision of the City tax program;
- (5) Expenditure report.
 - (a) Responsibility for tabulation of all departmental reports, including but not limited to a monthly report to City Council containing the following information with regard to each expenditure of City funds other than wages paid to City employees:
 - [1] The date of the expenditure;
 - [2] The check number for each expenditure;
 - [3] The payee to whom payment was made;
 - [4] A description of the purpose of each expenditure, including the purchase order number, invoice number or similar designation;
 - [5] The amount of each expenditure;
 - [6] The budget line item from which each expenditure has been allocated; and
 - [7] The balance of the line item remaining after the expenditure.
 - (b) The aforementioned expenditure report shall be presented to Council at or before the second work session of each month, shall be appended to the agenda for said work session, and shall include all expenditures made during the prior calendar month in the following format:

(a) (b) (c) (d) (e) (f)* (g)

*Column (f) budget line item numbers shall appear in the order that they appear in the budget.

(6) Such other functions as by law or ordinance shall be assigned to this Department.

§ 412. Department of Public Works.

The Department of Public Works shall perform those activities required in the operation and maintenance of the following City functions. The areas of responsibility of this Department shall be:

A. Engineering.

B. Streets.

(1) Street cleaning.

(2) Street repair.

(3) Storm sewers.

C. Development.

(1) Planning^{EN}

(2) Department of Health.

D. Public property.

(1) Parks.

(2) Public buildings.

(3) Municipal garage.

(4) Electrical.

E. Airport.

F. Recreation.

. Editor's Note: Former Subsection C(2), Code enforcement, which immediately followed this subsection, was repealed 1272000 by Ord. No. 20001.

§ 413. Department of Public Safety. [Amended 9121996 by Ord. No. 9617; 1272000 by Ord. No. 20001]

The Department of Public Safety shall carry out the fire, police and code enforcement services required for the protection of persons and property in the City as provided by Council.

§ 414. Department of Police. [Added 9121996 by Ord. No. 9617]

The Police Chief shall be known as the "Director of the Department of Police" and shall be appointed by the Mayor with the advice and consent of Council. The Department of Police shall carry out the police services required for the protection of the persons and property in the City and such other functions as by law or ordinance shall be assigned to this Department.

§ 415. Department of Fire. [Added 9121996 by Ord. No. 9618]

The Department of Fire shall carry out the fire protection services required for the protection of persons and property in the City and such other functions as by law or ordinance shall be assigned to this Department. The Fire Chief shall be known as the "Director of the Department of Fire" and shall be appointed by the Mayor with the advice and consent of Council.

§ 416. Department of Community Development. [Added 9121996 by Ord. No. 9619]

The Department of Community Development shall perform those activities required in the administration of the City's community development funds and projects and such other functions as by law or ordinance shall be assigned to this Department. The Director of Community Development shall be the Director of the Department of Community Development and shall be appointed by the Mayor, with the advice and consent of Council.

§ 417. Department of Tax Collection. [Added 9121996 by Ord. No. 9620]

The Department of Tax Collection shall carry out the collection of taxes imposed by the City, and such other taxes as it may be entitled to collect by law as well as such other functions as by law or ordinance shall be assigned to this Department. The Director of this Department shall be known as the "Director of Tax Collection." The establishment of this Department is not meant to require the Department to be the exclusive agency of tax collection for the City of Hazleton.

§ 418. Department of Public Services.

The Department of Public Services shall perform those activities required in the operation and maintenance of public transit services in the City and surrounding municipalities and such other functions as by law or ordinance shall be assigned to this Department.

§ 419. Bureau of Law.

- A. The City Solicitor shall be appointed by the Mayor with the advice and approval of Council.
- B. The City Solicitor shall have such duties and responsibilities as are set forth in general law. One or more Assistant City Solicitors may be appointed by the Mayor with advice and approval of Council.

ARTICLE IV, Authorities, Boards and Commissions

§ 420. Appointment of members to authorities, boards and commissions.^{EN}

Where the appointment of members to authorities is so stated in the Municipality Authorities Act (53 Pa.C.S.A. §_5601 et seq.), said appointment is hereby granted by the governing body, also known as the Council of the City of Hazleton^{EN} Where the appointment of boards or commissions is vested in the City by statute or ordinance, such member or members shall be appointed by the Mayor, with the advice and approval of Council^{EN}

§ 421. Removal of members; filling of vacancies.

In any case where appointment to any board or commission is made by the Mayor with the advice and approval of Council, the appointee may be removed at the pleasure of the Mayor and the vacancy thus created shall be filled for the balance of the unexpired term in accordance with §_420.

ARTICLE V, Officers and Employees

§ 422. 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.

§ 423. Rules and regulations.

- A. No rule or regulation made by any department, office, 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 and approved by the Mayor. City Council shall receive all such rules and regulations which shall be filed with the City Clerk.
- B. All such rules and regulations shall be published by posting in the office of the City Clerk for 20 days and in whatever other manner Council deems necessary.
- C. The City Clerk shall keep a current record of all rules and regulations filed with him or her.

ARTICLE VI, Finance

§ 424. Budget.

Pursuant to the Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §§_3015 to 3018, the City budget shall consist of the following:

- A. General fund operating budget.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See also Ch. 150, Indebtedness, Art. II, City Appointments.

. Editor's Note: See also Ch. 8, Authorities, Municipal.

. Editor's Note: Former Subsection B, regarding a twoterm limit, added 1311991 by Ord. No. 911, was repealed 8141997 by Ord. No. 9721.

B. Capital budget.

- (1) On or before September 1 of each year, the Mayor shall submit a proposed sixyear Capital Improvement Program for the next six calendar years to the City Planning Commission for its study and recommendations. On or before November 1 of each year, after receipt of the report of the Planning Commission, the Mayor shall submit the Program to City Council for approval, incorporating any of the recommendations of the Planning Commission which he deems advisable. The Program submitted may be modified by the affirmative vote of four members of Council. Passage of the sixyear Capital Improvement Program may be by the affirmative vote of three members of Council, and shall be subject to annual revision by Council. [Amended 5301996 by Ord. No. 968]
- (2) The Director of Administration shall supervise the administration of each annual budget. Immediately after the budget has been enacted and after consultation with the heads of the departments, the Director shall establish a system of appropriations to each department. At the beginning of each allotment period, the amount specified shall become available to each department for obligations during that period. The Director of Administration shall file a copy of each allotment and modification thereof. An encumbrance system of accounts to control all expenditures within the limits of budget appropriations and to control such allotments shall be maintained. If, at any time during the budget year, the Director of Administration shall ascertain the probability of a cash deficit, he or she shall reconsider the work programs and allotments of the several offices, departments and agencies. Upon such reconsideration and with the approval of the Mayor, the Director of Administration shall revise the allotments of the departments so as to forestall, so far as possible, the making of commitments and expenditures in excess of the revenue to be realized during the fiscal year. All expenditures out of the capital budget shall be made in accordance with the provisions of §_425 herein, as amended. [Amended 5301996 by Ord. No. 968]
- (3) The Mayor of the City of Hazleton shall submit his proposed budget to the Council of the City of Hazleton no later than November 1 of each year.

§ 425. Appropriations.

No moneys 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 allotments for the payment of any moneys in any amount which will cause the sum appropriated to specific purposes to be exceeded. 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 Administration shall have the power to authorize the transfer of any unexpended balance of any appropriation item, or any portion thereof, within a department; but if the amount transferred is more than 5% of the appropriation item, then the Director of Administration shall not make such transfer without obtaining the approval of at least three members of Council at a meeting of Council. Expenditures from the contingency fund shall be made only upon the express approval of Council.

§ 426. Contracts. [Amended 4251996 by Ord. No. 965; 9121996 by Ord. No. 9628]

Contract administration for the City, including but not limited to authority as to preparation of specification, letting of bids, awarding of contracts, and payment of bills, heretofore vested in Council under Article XIX of the Third Class City Code of Pennsylvania^{aEN} shall be vested in the Mayor and the Department of Administration to be exercised in accordance with procedures proposed by the Mayor and approval of Council. Any and all change orders to contracts shall not be executed by the Mayor or the Department of Administration unless and until approved by Council. Excepting, however, all contracts for community development projects, including bidding and advertising procedures, shall be submitted and approved by City Council prior to advertising for bids, and all such bids when received are required to be opened at a public meeting of the Hazleton City Council and all contracts awarded are required to be approved by the Council of the City of Hazleton prior to the award or execution of the contract by any employee or elected official of the City of Hazleton, or its Community Development Office.

§ 427. Depositories of City funds.

The Director of Administration shall deposit all City funds and all City taxes collected by his office in such hands or other financial depositories as he is directed by the Mayor and himself acting as a body for the designating of City depositories. All such deposits shall be made in the name of the city.

§ 428. Temporary investments of City funds.

The Mayor and the Director of Administration, 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 moneys 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 and as authorized by the Third Class City Code.

§ 429. Annual audit.

Pursuant to the Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §_3152, the Council shall provide for annual post audits of all accounts by an independent auditor who shall be a certified public accountant, registered in Pennsylvania, or a firm of certified accountants so registered.

§ 430. Financial statements.

The Director of Administration shall submit a monthly financial statement by the 20th of each month to the Council of the City of Hazleton.

§ 431. Municipal Controller. [Added 9121996 by Ord. No. 9615]

Pursuant to the Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §_3151, as amended, City Council hereby provides for the exercise of a control function in the management of finances of the municipality, by a Municipal Controller.

a Editor's Note: See 53 P.S. §_36901 et seq.

- A. The office of Controller is to be filled by appointment.
- B. The Controller shall be appointed for an indefinite term by a majority of the members of the City Council, as provided in the Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §_3153, as amended.
- C. The compensation to be paid the Controller and other terms of employment shall be established by City Council and will be part of the City's budget process.
- D. Except for those duties specifically delegated to the Department of Administration by the provisions of the Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §_2901 et seq., the Controller shall examine, audit and settle all accounts whatsoever in which the City is concerned, either as debtor or creditor, and shall also, at least annually or as often as the Controller is directed to do so by Council, examine and audit the accounts of all bureaus, officers, and departments of the City which collect, receive and disburse public monies or who are charged with the management, control, or custody thereof, and in every case a report of such examination, audit and settlement shall be made to Council. The Controller may perform such other audit functions, from time to time, as Council may direct, as long as such functions are not a duplication of, or inconsistent with, any functions of the City departments, bureaus, officers, executives or personnel as provided for in Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158 (53 Pa.C.S.A. §_2901 et seq.) or ordinance.
- E. The Controller shall be a competent accountant, at least 21 years of age, and shall be a resident of the City.

ARTICLE VII, General Provisions

§ 432. Time limits expiring on Sundays or holidays.

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

§ 433. Unpaid municipal claims.

- A. The heads of the various departments shall furnish the City Solicitor with statements of claims which remain due and unpaid within 30 days from the date said claims become due and payable.
- B. The City Solicitor shall enter such claim in the appropriate 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.

§ 434. References and prior ordinances.

- A. Whenever in any statute of the Commonwealth of Pennsylvania or resolution/ordinance of the City there is reference to the Department of Accounts and Finance, the reference shall be construed to mean "Department of Administration." Where there is a reference to the Department of Streets and Public Improvements, it shall be construed to mean the

"Department of Public Works." Where there is a reference to the Department of Public Affairs or to the Department of Public Safety, the reference shall be construed to mean the "Department of Public Safety."

- B. All references to Council or any other board, body or office in any statute of the Commonwealth of Pennsylvania or resolution or ordinance of the City shall be construed to mean such body, officer or office to which the respective functions, powers or duties are assigned by this Code.

§ 435. Governing provisions. [Added 5301996 by Ord. No. 9610]

- A. Whenever the Code of the City of Hazleton specifically, clearly and unambiguously addresses or specifically provides legislation on a municipal department or organization or with a specific subject area or on specific material or municipal administration, the Code shall govern and control, unless there is a prohibition in the Home Rule Charter and Optional Plans Law, Act of 1996, P.L. 1158, 53 Pa.C.S.A. §_2901 et seq. (hereinafter "Home Rule Law"), or other state statutes against such legislation or local government control.
- B. In the event that the Code does not specifically, clearly and unambiguously address the area of government or municipal department or organization or municipal administration then the Home Rule Law will govern the exercise of municipal power, authority and legislation.
- C. No power or authority shall be excused under the Home Rule Law unless that power or authority is specifically delegated to a department or official or council under the Code or the Home Rule Law.
- D. Whenever the Code or the Home Rule Law does not speak specifically to govern the municipality or in the event that the Code or the Home Rule Law are unclear, ambiguous or vague or in any contingency where there is not a specific enumeration of authority in the Code or the Home Rule Law, the Third Class City Code (1931, June 23, P.L. 932, Article I, §_101; 1951, June 28, P.L. 662, §_1, as amended) of the Commonwealth of Pennsylvania shall apply control and govern the actions of the Council, Mayor and Administrative departments of the City of Hazleton in the governing and administration of the City, its authorities and the action over which it has control.
- E. The provisions of this section are intended to provide comprehensive legislation for the City of Hazleton so that the Third Class City Code will govern and empower the City government when the Code and the Home Rule Law do not specifically govern or are ambiguous.