

Chapter 45

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Borough Council of the Borough of North Wales as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 62.

ARTICLE I

President and Vice President of Council [Adopted 6-20-1973 by Ord. No. 453]

§ 45-1. Powers and duties. [Amended 11-25-1997 by Ord. No. 690]

- A. The President of Council, in addition to the powers and duties vested in him by law, shall preside over meetings of Council and have general and active management of the affairs of the Council. He may discharge duties of the office of the Mayor in the Mayor's absence or when there is a vacancy in the office. He may at all times sign checks upon the moneys of the Borough and all other documents pertaining to Borough business.
- B. The Vice President of Council, in addition to the powers and duties vested in him by law, in the absence of the President of Council, shall have general and active managements of the affairs of the Council. He may at all times sign checks upon the moneys of the Borough and all other documents pertaining to Borough business in the place of and with the same effect as if the same had been signed by the President.

ARTICLE II

Auditor [Adopted 12-26-1973 by Ord. No. 480]

§ 45-2. Appointment of independent auditor.

Pursuant to the provisions of Article § 45-2, Section 1005 (7), of the Borough Code, as last amended,¹ the accounts and other evidences of financial transactions of the Borough of North Wales and Borough officers of the Borough of North Wales shall be audited by an appointed auditor, who shall be a certified public accountant, a firm of certified public accountants, a competent independent public accountant, or a firm of independent public accountants.

§ 45-3. Powers and duties. [Added 11-22-1994 by Ord. No. 674]

The powers and duties of the appointed auditor shall be as described in Section 1196 of the Borough Code (53 P.S. § 46196).

1. Editor's Note: See 53 P.S. § 46005(7).

ARTICLE III
Borough Manager
[Adopted 2-25-1992 as Ord. No. 644]

§ 45-4. Creation of office.

The office of Borough Manager is hereby created by the Borough Council of the Borough of North Wales.

§ 45-5. Appointment and removal.

The Manager shall be appointed for an indefinite term by a majority of all the members of the Borough Council. The Manager shall serve at the pleasure of the Borough Council and may be removed at any time by a majority vote of all its members, subject to the provisions of any written contract, in a form acceptable to the Borough Council, between the Manager and the Borough Council.

§ 45-6. Qualifications.

The Manager shall be chosen on the basis of his/her executive and administrative abilities, knowledge of currently accepted municipal administration and financial management practices, willingness to apply these skills to the maximum benefit of the Borough and its citizens, experience demonstrating the possession of these characteristics and such other considerations Council may deem appropriate.

§ 45-7. Bond.

The Manager may, at the option and cost of the Borough Council, be bonded in such amount as Council may deem necessary. Such bond shall be conditioned upon the true and faithful performance of his/her duties, insofar as such duties shall affect money or property of the Borough.

§ 45-8. Compensation.

The salary of the Manager shall be set from time to time by resolution of the Borough Council.²

§ 45-9. Powers and duties.

- A. The Manager shall be the Chief Administrative Officer of the Borough and shall be responsible to the Borough Council as a whole for the proper and efficient administration of the affairs of the Borough. His/her powers and duties shall relate to the administrative affairs of the Borough not expressly by statute imposed or conferred upon other Borough officers.
- B. Except for the purpose of inquiry, the Borough Council, its committees and its members shall deal with the administrative service solely through the Manager, and neither the Borough Council nor any of its committees nor any of its members shall give orders, publicly or privately, to any subordinates of the Manager.

2. Editor's Note: See also Ch. 62, Salaries and Compensation.

- C. All complaints regarding services or personnel of the Borough shall be referred to the office of the Manager. The Manager shall investigate and resolve such complaints and shall report thereon to the Borough Council. He/she shall consult with Council in the resolution of all complaints which may result in litigation.
- D. Subject to recall by ordinance of the Borough Council, the powers and duties of the Manager shall include the following:
- (1) General. He/she shall supervise and be responsible for the activities of all municipal departments except for the Police Department.
 - (2) He/she shall be responsible for and have charge of the care, management and operation of all property, equipment, structures and public works owned, leased or operated by or under the control of the Borough and under the authority of Borough Council, excepting, however, such property as may be particularly designated by this Article or any other ordinance, or by Act of Assembly, to be otherwise controlled.
 - (3) Personnel. He/she shall hire within the provisions of the budget and, when necessary for the good of the Borough, shall suspend or discharge any employee under his/her supervision, provided that such person shall be hired, suspended or discharged in accordance with provisions of tenure or the Borough Code (where applicable);³ and provided, further, that the Manager shall report at the next meeting thereafter of the Borough Council any action taken by authority of this subsection. No person shall be discharged without just cause; and the discharged employee shall have the right to appeal his/her discharge to the Borough Council within 30 days of said discharge.
 - (4) He/she may employ, by and with the approval of the Borough Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.
 - (5) Enforcement. He/she shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
 - (6) He/she shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.
 - (7) Purchasing. He/she shall be the Purchasing Officer of the Borough and shall purchase, in accordance with the provisions of the Borough Code,⁴ all supplies and equipment for the various agencies, boards, departments and other officers of the Borough. He/she shall keep an account of all purchases and shall, from time to time or when directed by the Borough Council, make a full written report thereof. He/she shall also issue rules and regulations, subject to the approval of the Borough Council, governing the requisition and purchasing of all municipal supplies and equipment.
 - (8) He/she shall attend to the letting of contracts in due form of law, and he/she shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Borough officer by statute.

3. Editor's Note: See 53 P.S. § 45101 et seq.

4. Editor's Note: See 53 P.S. § 45101 et seq.

- (9) Borough Council. He/she shall prepare the agenda for each meeting of the Borough Council and supply facts pertinent thereto.
- (10) He/she shall attend all meetings of the Borough Council and its committees, with the right to take part in the discussion, and he/she shall receive notice of all special meetings of the Borough Council or its committees.
- (11) He/she shall keep the Borough Council informed as to the conduct of the Borough affairs; submit periodic reports on the condition of the Borough finances and such other reports as the Borough Council requests; and make such recommendations to the Borough Council as he/she deems necessary.
- (12) He/she shall be responsible for the administration of the budget after its adoption by the Borough Council.
- (13) He/she shall submit to the Borough Council as soon as possible after the close of the fiscal year a complete report on the financial and administrative activities of the Borough for the preceding year.
- (14) Other offices. He/she may hold such other municipal offices or head one or more of the municipal departments as the Borough Council may from time to time direct.
- (15) He/she shall prepare a schedule of all fees which the Borough is authorized to set by resolution and submit said schedule for adoption by the Borough Council. Further, he/she shall update said schedule from time to time and submit any changes to the Borough Council for adoption.⁵ [Added 11-22-1994 by Ord. No. 674]

⁵. Editor's Note: Former Art. IV, Delinquent Tax Collector, adopted 1-22-2002 by Ord. No. 715, consisting of §§ 45-10 and 45-11, which immediately followed this section, was superseded 12-18-2012 by Ord. No. 790. See now Ch. 187, Art. V.