

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF NEWTOWN, COUNTY OF BUCKS,  
AMENDING CHAPTER 10 – “AUDITOR” TO BECOME CHAPTER 10 – “OFFICERS  
AND EMPLOYEES,” AND ESTABLISHING THE OFFICE OF BOROUGH  
MANAGER AT SECTION 10-3.**

**WHEREAS**, the Borough of Newtown, Bucks County, is a borough duly organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to the Borough Code of the Commonwealth of Pennsylvania, the Newtown Borough Council (“Council”) has the authority to enact, amend and repeal provisions of the Newtown Borough Code of Ordinances (“Code”) at any time it deems proper; and

**WHEREAS**, pursuant to the Borough Code of the Commonwealth of Pennsylvania, Council has the authority to create by ordinance the office of Borough Manager; and

**WHEREAS**, Council have determined that the office of Borough Manager shall be established for the proper management, care and control of the Borough and the maintenance of peace and good government, and health, safety and welfare of the Borough and its residents; and

**WHEREAS**, Council has determined that Chapter 10 – “Auditor ” shall be amended to become Chapter 10 – “Officers and Employees,” for the purpose of establishing the office of Borough Manager at Section 10-3.

**NOW, THEREFORE**, it is the intention of the Borough Council, and it is hereby **ORDAINED**, that:

1. The Code of Ordinances of the Borough of Newtown at Chapter 10 – “Auditor,” is hereby amended as set forth in Exhibit “A” hereto, wherein new language is indicated with an underline (e.g. “underline”) and stricken language is indicated with a strikethrough (e.g. “~~strikethrough~~”).

2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.

3. This Ordinance shall be effective five (5) days after enactment.

**ORDAINED AND ENACTED** by the Council of the Borough of Newtown, Bucks County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Borough of Newtown  
County of Bucks  
Commonwealth of Pennsylvania**

Attest: \_\_\_\_\_  
Judy S. Musto, *Borough Secretary*

By: \_\_\_\_\_  
Tara Grunde-McLaughlin, *President*

\_\_\_\_\_  
John Burke, *Mayor*

**Exhibit  
“A”**

## **Chapter 10. Auditor Officers and Employees**

### Article I. Auditor

#### **§ 10-1 Office abolished.**

The office of elected Borough Auditor is hereby abolished. The elected Borough Auditors in office and serving on the effective date of this chapter shall continue to hold their office during the term for which they shall have been elected but shall not audit, settle or adjust the accounts audited by the appointed independent auditor but shall perform the other duties of their office.

#### **§ 10-2 Authorization to appoint independent auditor; term; duties.**

The Borough Council of the Borough of Newtown, Bucks County, Pennsylvania, shall be authorized to appoint an independent auditor who shall be a certified public accountant registered in the Commonwealth of Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or firm of public accountants. The independent auditor shall be appointed on an annual basis by resolution before the close of each fiscal year to make an independent examination of the accounting records of Newtown Borough for said fiscal year, and the independent auditor shall also perform the other duties and exercise the powers conferred upon him by the Borough Code of the Commonwealth of Pennsylvania.

### Article II. Borough Manager

#### **§ 10-3 Purpose and Intent**

The purpose of this article is to enable the Borough of Newtown to function with a Borough Manager whereby the Borough Council is responsible for legislative policymaking and appointing a Borough Manager who is responsible for supervising and conducting the administrative affairs of the Borough, as authorized and directed by Borough Council.

#### **§ 10-4 Office created.**

The office of Borough Manager is hereby created by the Borough of Newtown, subject to the right of the Borough, by ordinance, at any time to abolish such office.

#### **§ 10-5 Appointment by Council; Removal.**

The Borough Manager shall be selected by a majority vote of all the members of the Borough Council of the Newtown Borough and shall be subject to removal at any time by a majority vote of all members of the Borough Council. Council, at its discretion, shall have authority to enter into a contract with the Borough Manager, which may fix the term of such Manager, but no such term shall exceed 3 years in length, and such contract may be renewed and extended as often and at such times as Council by a majority vote of all its members may determine.

### **§ 10-6 Qualifications.**

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office herein outlined. The Manager need not be a resident of the Borough of Newtown or of the Commonwealth of Pennsylvania at the time of appointment; provided, however, that the Borough reserves the right to impose by contract any reasonable residency requirements necessary for the performance of the Manager's duties. Such requirements shall be at the sole discretion of the Borough.

### **§ 10-7 Bond.**

Before entering upon the duties of office, the Manager shall be required to execute and to file with the Borough a bond conditioned for the faithful performance of their duties with a corporate surety thereon, in such amount as Council may from time to time determine. The Borough shall pay the cost of such bond.

### **§ 10-8 General authority.**

The Borough Manager shall be the chief administrative officer of the Borough, and shall be responsible to the President of Borough Council or an appointed member of Borough Council for the proper and efficient administration of the affairs of the Borough and the continuation and implementation of policy and programs as set forth by Borough Council. The Borough Manager's authority and duties shall relate to the general management of all Borough business not expressly, by statute, resolution or ordinance, imposed or conferred upon other Borough officers. The Borough Council, or an appointed member thereof, and the Mayor with the approval of Council are hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of their nonlegislative and nonjudicial authority and duties.

### **§ 10-9 Specific authority and duties.**

Subject to recall by ordinance, the authority and duties of the Manager shall include the following:

- A. Oversee the day-to-day operations of the Borough and the provision of Borough services.
- B. Annually review and evaluate the performance of all Borough operations.
- C. Recommend to Council the hiring, and when deemed necessary for the good of the Borough, the suspension or discharge of employees under the Manager's supervision; provided, that persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions; provided, further, that the final decision as to hiring and discharge of employees shall remain with Council.
- D. Recommend to Council a standard schedule of pay for all employees under the Manager's supervision and periodically evaluate the performance of employees.

- E. Prepare and submit to the Borough Council before the close of the fiscal year, or on such alternative date as the Borough Council shall determine, a budget for the next fiscal year and an explanatory budget message.
- F. Administration of the adopted of the budget.
- G. Prepare and submit to Council at of the end of the fiscal year a complete report on the finances and administrative activities of the Borough for the preceding year.
- H. Keep Council advised of the financial condition and future needs of the Borough, and make recommendations in the best interest of the Borough desirable. Prepare periodic recommendations regarding a capital expense budget, prepare a monthly report on current budget expenditures.
- I. Recommend short and long-term objectives for consideration by Council regarding any measures deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
- J. Attend all meetings of the Borough Council and, upon request of Borough Council, of its committees, with the right to take part in the discussion, and receive notice of all special meetings of the Borough Council and of its committees.
- K. Assist with preparation of the agenda for each meeting of Borough Council and supply facts, information and documentation pertinent thereto.
- L. Monitor performance of the terms of all franchises, leases, permits, and privileges granted by the Borough.
- M. Supervise the performance and faithful execution of all contracts, except insofar as such duties are expressly conferred by statute upon some other Borough officer.
- N. 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.
- O. Act as the Purchasing Officer of the Borough and purchase, upon approval of Council, supplies and equipment for the boards, committees, agencies, departments and other offices of the Borough. Keep an account of all purchases and, from time to time or when directed by Council, make a full written report thereof.
- P. Receive and investigate complaints in relation to Borough services or Borough administration and make a report on significant complaints to Borough Council, who shall dispose of such complaints through the committee system, or as a body, or instruct the Manager to dispose of such complaints.
- Q. Supervise the writing of all reports and correspondence.
- R. Maintain informative relations with the news media and community organizations to keep the public updated and to promote cooperation with and participation in Borough activities and plans.
- S. Cooperate with the Borough Council at all times and in all matters such that the best interests of the Borough and of the general public may be maintained.
- T. Perform such other duties as may be required by the Borough Council.

#### **§ 10-10 Compensation.**

The salary and fringe benefits of the Borough Manager of the Borough of Newtown shall be fixed from time to time by Borough Council. The Borough Manager's compensation shall be set forth in the Borough's salary ordinance and reflected in the Borough Manager's employment contract, if any.

**§ 10-11 Designation of Acting Manager.**

In the case of illness, disability or other absence of the Manager from the Borough, the Manager shall designate one qualified member of Borough staff who shall perform the duties of the Manager during such absence. In the event that the Manager's absence extends beyond a 2-week period, Council's approval shall be required for the designation of an Acting Manager.

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