

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1062 Session of
2009

INTRODUCED BY ROBBINS, ERICKSON, EICHELBERGER, STOUT AND
WOZNIAK, JULY 31, 2009

REFERRED TO LOCAL GOVERNMENT, JULY 31, 2009

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for the office of borough manager and for powers
5 and duties of a borough manager.

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

8 Section 1. Sections 1141 and 1142 of the act of February 1,
9 1966 (1965 P.L.1656, No.581), known as The Borough Code, are
10 amended to read:

11 Section 1141. Borough Manager May be Created by Ordinance;
12 Election.--The council of any borough may, at its discretion at
13 any time, create by ordinance the office of borough manager and
14 may in like manner abolish the same. While said office exists,
15 the council shall, from time to time, and whenever there is a
16 vacancy, elect, by a vote of a majority of all the members, one
17 person to fill said office[, subject to removal by the council
18 at any time by a vote of the majority of all the members]. The
19 borough manager shall serve at the pleasure of council, subject

1 to contractual rights that may arise under an employment
2 agreement that may be entered in accordance with section 1142.

3 Section 1142. Powers and Duties; Bond.--The powers and
4 duties of the borough manager shall be regulated by ordinance.
5 Council may enter into an employment agreement with the borough
6 manager. The employment agreement may set forth the terms and
7 conditions of employment, and the agreement may provide that it
8 shall remain in effect for a specified period terminating no
9 later than two years after the effective date of the agreement
10 or the date of the organization meeting of council following the
11 next municipal election, whichever shall first occur. An
12 employment agreement entered into pursuant to this section may
13 specify conditions under which a borough manager would be
14 entitled to severance compensation, but in no event shall an
15 employment agreement guarantee employment through the term of
16 the agreement or confer upon the borough manager any legal
17 remedy based on specific performance. The council, by ordinance,
18 may delegate, subject to recall, any of the nonlegislative and
19 nonjudicial powers and duties of the council, the planning
20 commission and the shade tree commission, to the borough
21 manager. With approval of borough council, the mayor may
22 delegate to the borough manager any of his nonlegislative and
23 nonjudicial powers and duties.

24 Section 2. This act shall take effect in 60 days.