

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2356 Session of  
2010

INTRODUCED BY FREEMAN, KESSLER, GRUCELA, ROSS AND GINGRICH,  
MARCH 18, 2010

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 18, 2010

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.