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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1351 Session of  
2021

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INTRODUCED BY KNOWLES, JAMES, MOUL, FREEMAN AND SAPPEY,  
MAY 7, 2021

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 7, 2021

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AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An  
2 act concerning townships of the second class; and amending,  
3 revising, consolidating and changing the law relating  
4 thereto," in auditors and accountants, further providing for  
5 surcharge by auditors; and, in township manager, further  
6 providing for township manager and appointment, removal,  
7 powers and duties and compensation and bond.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 907 of the act of May 1, 1933 (P.L.103,  
11 No.69), known as The Second Class Township Code, is amended by  
12 adding a subsection to read:

13 Section 907. Surcharge by Auditors.--\* \* \*

14 (c) An elected or appointed officer of a township may not be  
15 surcharged if the official acted in good faith reliance on a  
16 written, nonconfidential opinion of the solicitor of the  
17 township or an opinion of the township solicitor publicly stated  
18 at an open meeting of the township and recorded in the official  
19 minutes of the meeting. This subsection shall not apply if a  
20 solicitor's opinion has been rendered under duress or if the

1 parties seeking and rendering the solicitor's opinion have  
2 colluded to purposefully commit a violation of law. As used in  
3 this subsection, the term "solicitor" shall include a special  
4 counsel appointed by the township for a specific matter.

5 Section 2. Section 1301 of the act is amended to read:

6 Section 1301. Township Manager; Appointment, Removal, Powers  
7 and Duties; Compensation; Bond.--(a) The board of supervisors  
8 may by ordinance at any time create the office of township  
9 manager and may in like manner abolish the office. While the  
10 office exists, the board of supervisors shall appoint one  
11 [person] individual, partnership, limited partnership,  
12 association or professional corporation as the township manager  
13 to fill the office. The township manager shall serve at the  
14 pleasure of the board of supervisors, subject to contractual  
15 rights that may arise under an employment or professional  
16 services agreement that may be entered into in accordance with  
17 subsection (a.1).

18 (a.1) The board of supervisors may enter into an employment  
19 or professional services agreement with the township manager.  
20 The employment or professional services agreement may set forth  
21 the terms and conditions of employment, and the agreement may  
22 provide that it shall remain in effect for a specified period  
23 terminating no later than two years after the effective date of  
24 the agreement or the date of the board of supervisors'  
25 organizational meeting following the next municipal election,  
26 whichever shall first occur. An employment or professional  
27 services agreement entered into pursuant to this subsection may  
28 specify conditions under which a township manager would be  
29 entitled to severance compensation[, but in] if the township  
30 manager is an individual, or payments for the termination of

1 appointment if the township manager is a partnership, limited  
2 partnership, an association or professional corporation. In no  
3 event shall an employment or professional services agreement  
4 guarantee retention or employment through the term of the  
5 agreement or confer upon the township manager any legal remedy  
6 based on specific performance.

7 (b) The powers and duties of the township manager shall be  
8 established by ordinance. The compensation shall be set by  
9 resolution and paid out of the general fund of the township. The  
10 board of supervisors may delegate, subject to recall, any of  
11 their nonlegislative powers and duties to the township manager.  
12 The township manager shall give bond to the township, with  
13 sufficient surety, in the amount directed by the board of  
14 supervisors, conditioned for the faithful performance of the  
15 duties of the office. The township manager shall be considered a  
16 public official under 65 Pa.C.S. § 1103 (relating to restricted  
17 activities). The provisions of this section shall apply to all  
18 officers and those employees directly providing services in a  
19 partnership, limited partnership, association or a professional  
20 corporation appointed as the township manager as required or  
21 authorized by the agreement.

22 (c) The office of township manager is not incompatible with  
23 the office of township secretary, township treasurer or any  
24 other township office or employment, except that of supervisor,  
25 auditor or township police officer. In the case of a  
26 partnership, limited partnership, association or professional  
27 corporation appointed as township manager, the restriction under  
28 this subsection shall apply to all officers and employees who  
29 directly provide services as required or authorized by the  
30 agreement.

1 Section 3. This act shall take effect in 60 days.