UPPER MACUNGIE TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE 2014-04
(Duly Adopted March 20, 2014)

AN ORDINANCE ESTABLISHING THE POSITION OF TOWNSHIP MANAGER; ESTABLISHING THE TERM OF OFFICE OF MANAGER; QUALIFICATIONS; BOND REQUIRED; COMPENSATION; RESPONSIBILITIES AND DUTIES THEREOF; RESTRICTIONS ON SUPERVISORS; DELEGATION OF MANAGER DUTIES; GENDER NEUTRAL TEXT AND SEVERABILITY CLAUSES

WHEREAS, the Board of Supervisors ("Board") of Upper Macungie Township has long debated the effectiveness of appointing a Township Manager; and

WHEREAS, recent Township population growth has intensified those discussions and the Board of Supervisors desires to create such a position in the Township;

AND NOW, BE IT AND IT IS HEREBY ORDAINED by the Board of Supervisors of Upper Macungie Township as follows:

1. Creation. The Office of Township Manager is hereby created by the Board of Supervisors of the Township of Upper Macungie, subject to the right of the Board of Supervisors, by ordinance, to at any time abolish such office.

2. Term of Office. As soon as practicable after the enactment of this Ordinance, the Township Supervisors shall appoint, by a majority vote of all its members, one (1) person to fill the office of Township Manager, who shall begin his term of office upon his appointment or as soon thereafter as possible. He shall serve until the first Monday of January of each year succeeding his appointment, unless and until his successor is selected and qualified. The said office shall be filled annually thereafter. In the case of a vacancy, the Supervisors shall fill said office by majority vote of all its members. The Township Manager shall, however, be subject to removal at any time by a majority vote of all the members of the Board of Supervisors.

3. Qualifications. The Township Manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of the office herein outlined.

A. The Township Manager need not be a resident of the Township.

B. NO UPPER MACUNGIE TOWNSHIP SUPERVISOR SHALL BE APPOINTED AS TOWNSHIP MANAGER DURING THE TERM FOR WHICH

HE SHALL HAVE BEEN ELECTED, OR APPOINTED, NOR WITHIN ONE (1) YEAR AFTER THE EXPIRATION OF HIS TERM.

C. The Township Manager shall have no interest in contracts of the Township, shall not be in debt to the Township, and shall not, at the time of his appointment, be related to any of the Township Supervisors.

4. Bond Required. Before entering upon his duties, the Township Manager shall give a bond to the Township, with a bonding Company as surety, in the sum as provided by Resolution conditioned for the faithful performance of his duties. The premium for the bond shall be paid for by the Township.

5. Compensation. The Township Manager shall receive such compensation as shall be fixed from time to time by resolution,

6. Responsibility. The Manager shall be the chief administrative officer of the Township, and he shall be responsible to the Board of Supervisors as a whole for the proper and efficient administration of the affairs of the Township. His powers and duties shall relate to the general management of all Township business not expressly, by statute or ordinance, imposed or conferred upon other Township officers.

7. Duties. Subject to recall by ordinance, the powers and duties of the Manager shall include the following:

A. He shall supervise and be responsible for the activities of all municipal departments, except those departments, if any, for which supervision shall not have been delegated to the Manager by the Board of Supervisors.

B. He shall appoint and, when he shall deem it necessary for the good of the Township, shall suspend or discharge all employees under his supervision; provided, nonetheless, that persons covered by the Civil Service provisions of any applicable municipal code or labor law, or by a collective bargaining agreement, shall be appointed, suspended or discharged in accordance with such provisions. Prior to appointing, suspending or discharging any employee, the Manager shall provide the Board of Supervisors with written notice of his intention to take such action, which notice shall include a written rationale therefore. Such notice shall be given to the Board not fewer than forty-eight (48) hours before a regular meeting of the Board, and the said employment action shall not occur until such meeting has been held; provided, nevertheless, that the Manager may temporarily suspend any employee under his supervision, with or without compensation, and without prior notice to the Board, if the Manager believes such suspension to be for the good of the Township. The Board shall be notified of a temporary suspension within forty-eight (48) hours of the suspension.

C. No new position of employment shall be created without the approval of the Board, which shall also determine the initial compensation of such position. However, the actual hiring of persons to fill new positions is the responsibility of the Manager. No person shall be chosen by the Manager to fill any existing position at a

rate of pay which is more than five percent (5%) higher than that which was paid to any previous occupant of the position, without the express prior approval of the Board.

D. He shall prepare and submit to the Board of Supervisors, not later than October 1 of each year, a proposed budget for the next fiscal year, together with an explanatory budget message. In preparing the proposed budget the Manager, or an officer designated by him, shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may revise them before submitting the budget to the Board of Supervisors.

E. He shall be responsible for the administration of the budget after its adoption by the Board of Supervisors.

F. He shall, under the direction of the Board of Supervisors, execute and enforce the non-penal laws of the Commonwealth, and the NON-PENAL ordinances, resolutions and bylaws of the Township.

G. He shall attend all meetings of the Township Board of Supervisors and of its committees, with the right to take part in the discussion, and he shall receive notice of all regular and special meetings of the Board of Supervisors and of its committees.

H. He, or an officer designated by him, shall prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.

I. He shall keep the Board of Supervisors informed as to the conduct of all Township affairs; submit periodic reports on the condition of the Township finances and such other reports as the Board of Supervisors shall request; and shall make such recommendations to the Board of Supervisors as he deems necessary or appropriate.

J. He shall submit to the Board of Supervisors, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Township for the preceding year.

K. He shall see that the provisions of all franchises, leases, permits, and privileges granted by the Township are observed.

L. He may employ, by and with the approval of the Board of Supervisors, experts and consultants to perform work and to advise in connection with any of the functions of the Township.

M. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Township officer by statute.

N. He shall see that all money owed the Township is promptly paid and that proper proceedings are taken for the security and collection of all the Township's claims.

O. He shall be the Purchasing Officer of the Township and he shall purchase, in accordance with the provisions of the Township Code, all supplies and equipment for the various agencies, boards, departments, and other offices of the Township. He shall also issue rules and regulations subject to approval of the Board of Supervisors governing the requisition and purchasing of all municipal supplies and equipment.

P. All complaints regarding services or personnel of the Township shall be referred to the office of the Manager. He, or an officer designated by him, shall investigate and dispose of such complaints, and the Manager shall report thereon to the Board of Supervisors.

Q. He shall perform such other duties as may be required by the Board of Supervisors, not inconsistent with the Second Class Township Code, the law relating thereto, and ordinances of the Township.

Any power, duty or function granted to the Manager in this Section may be delegated by the Manager to others in the employ of the Township, however, any such delegation shall not reduce or diminish the responsibility of the Manager for full and proper fulfillment of same.

8. Restrictions on Supervisors. Neither the Board of Supervisors nor any of its members shall direct or request of the Township Manager, or any of Manager's subordinates, the appointment of any person to, or removal from, office or in any manner take part in the appointment or removal of officers and employees in the administrative services of the Township. Except for the purpose of inquiry, the Board of Supervisors and its members shall address the administration of the Township only through the Township Manager, whose actions shall be directed solely by vote of a majority of the Board. Neither the Board, nor any member thereof, shall give orders to any subordinate of the Township Manager, either publicly or privately.

9. Delegation of Duties. In case of illness or absence of the Manager from the Township, he shall delegate one (1) qualified member of his staff who shall perform the duties of the Manager during his absence or disability. The person so designated shall not perform such duties for a period longer than two (2) weeks without the approval of the Board of Supervisors.

10. Severability. If any section, subsection or sentence, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the Township prescribing the duties of heads of departments shall remain in full force and effect insofar as they do not conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.

11. Gender. All references in this ordinance to the pronouns "he," "him," or "his" shall be deemed to be gender neutral, and shall be presumed to include the provisions "she," "her" and "hers" as well.

DULY ADOPTED this 20th day of March, 2014, by the Board of Supervisors of Upper Macungie Township, in lawful session duly assembled.

UPPER MACUNGIE TOWNSHIP
BOARD OF SUPERVISORS

ATTEST

Kathy A. Rader

KATHY A. RADER, Secretary

JAMES M. BRUNELL, Chairman