

No. 2011-53

AN ACT

HB 1448

Amending the act of May 24, 1956 (1955 P.L.1674, No.566), entitled "An act authorizing council of any incorporated town to create the office of town manager, and prescribe his powers and duties," further providing for the office of town manager and for powers and duties of a town manager.

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

Section 1. Sections 1 and 2 of the act of May 24, 1956 (1955 P.L.1674, No.566), entitled "An act authorizing council of any incorporated town to create the office of town manager, and prescribe his powers and duties," are amended to read:

Section 1. **Town Manager May Be Created by Ordinance; Election.**—The council of any town may, at its discretion, at any time, create by ordinance the office of town manager and may, in like manner, abolish the same. While said office exists, the council shall, from time to time and whenever there is a vacancy, elect, by a vote of a majority of all the members, one person to fill said office, who shall serve until the first Monday of January of the even-numbered year succeeding his election and until his successor qualifies[, **subject, however, to removal by the council at any time by a vote of the majority of all the members**]. *The town manager shall serve at the pleasure of council, subject to contractual rights that may arise under an employment agreement that may be entered into in' accordance with section 2.*

Section 2. **Powers and Duties; Bond.**—The powers[,] *and* duties [**and compensation**] of the town manager shall be regulated by ordinance. *Council may enter into an employment agreement with the town manager. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the organization meeting of council following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this section may specify conditions under which a town manager would be entitled to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or confer upon the town manager any legal remedy based on specific performance.* The council and the president of the council, when authorized by ordinance, may delegate subject to recall any of their respective nonlegislative and non-judicial powers and duties to the town manager. He shall give a bond to the town with one or more sureties or one bonding company, to be approved by the council, in such sum as it shall by ordinance direct, conditioned for the faithful performance of his duties.

"entered in" in enrolled bill.

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

APPROVED—The 7th day of July, A.D. 2011

TOM CORBETT