

TOWNSHIP OF SOUTH MIDDLETON  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 94-07

AN ORDINANCE OF THE TOWNSHIP OF SOUTH MIDDLETON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING THE OFFICE OF TOWNSHIP MANAGER; PROVIDING FOR APPOINTMENT AND REMOVAL; ESTABLISHING QUALIFICATIONS; AND SETTING FORTH POWERS AND DUTIES OF THE POSITION.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of South Middleton Township; Cumberland County, Pennsylvania as follows:

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to enable the Township to function under generally accepted principles of Board of Supervisors-Manager form of government. The Board of Supervisors shall be responsible for legislative policy-making, and appointing a Township Manager who shall be responsible for supervising and conducting the administrative affairs of the Township. It is the intent of this Ordinance to delegate to the Township Manager all of the nonlegislative and nonjudicial powers and duties of the Board of Supervisors, as authorized by Act of May 1, 1993, P.L. 103, Article V, Section 599.1 (53 P.S. Section 65599.1) , as amended.

SECTION 2: CREATION

The Office of Township Manager is hereby created by the Township of South Middleton, subject to the right of the Township, by ordinance, at any time to abolish such office.

SECTION 3: APPOINTMENT AND REMOVAL

As soon as practical after the enactment of this Ordinance, the Board of Supervisors shall appoint, by a majority vote of all its members, one person to fill the Office of Township Manager, who shall be appointed to fill the Office of Township Manager for such term as the Board may determine by separate contract. In the case of a vacancy, the Board of Supervisors shall fill said office by majority vote of all its members. The Township Manager shall be subject to removal by a majority vote of all the members of the Board of Supervisors.

SECTION 4: QUALIFICATIONS

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

Manager need not be a resident of the Township or the State of Pennsylvania at the time of his/her appointment.

#### SECTION 5: BOND

Before entering upon his/her duties, the Township Manager shall give a bond with a corporate surety in the sum of Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of his/her duties; premium for the said bond to be paid by the Township of South Middleton.

#### SECTION 5: COMPENSATION

The Township Manager shall receive compensation as set annually by Resolution of the Board of Supervisors.

#### SECTION 7: RESPONSIBILITIES

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

#### SECTION 8: POWERS AND DUTIES

Subject to recall by Ordinance, the powers and duties of the Manager shall include the following:

A. He/she shall supervise and be responsible for the activities of all municipal departments and employees.

B. He/she shall prepare and submit to the Board of Supervisors before the first day of November of each year, or on such alternate date as the Board of Supervisors shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager or an officer designated by him/her shall obtain from the head of each department, agency, board, officer or employee 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.

C. He/she shall be responsible for the implementation and administration of the budget after its adoption by the Board of Supervisors.

D. Unless otherwise directed, he/she shall attend all meetings of the Board of Supervisors and Planning Commission.

E. With the advice of the Solicitor, he/she shall take appropriate action to execute and enforce the Laws of the Commonwealth and the Ordinances and Resolutions of the Township.

F. He/she shall prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.

G. He/she shall keep the Board of Supervisors informed as to the conduct of Township affairs; submit periodic reports on the condition of the Township finances and such other reports as the Board of Supervisors requests; and he/she shall make such recommendations to the Board as he/she deems necessary.

H. He/she 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.

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

J. He/she shall employ, after recommendation of and approval by the Board of Supervisors, experts and consultants to advise in connection with any of the functions of the Township.

K. He/she shall attend to the letting of contracts in accordance with applicable law; he/she 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, ordinance or regulation.

L. He/she shall see that all money due to the Township is promptly paid and that proper proceedings are taken for the security and collection of all the Township's claims,

M. He/she shall be the Purchasing Officer of the Township, and he/she shall purchase in accordance with the provisions of applicable law or Ordinance all supplies and equipment for the various agencies, boards, departments and other offices of the Township. He/she shall keep an account of all purchases and shall, from time to time or when directed by the Board of Supervisors, make a full written report thereof. He/she shall also issue written rules and regulations, subject to the approval of the Board of Supervisors, governing the requisition and purchasing of all municipal supplies and equipment.

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

O. He/she shall cooperate with the Board of Supervisors at all times and in all matters, that the best interests of the Township and of the general public may be maintained.

SECTION 9: CONSTRUCTION

All references to gender shall be deemed to include both the masculine and feminine interchangeably without distinction and without limitation.

SECTION 10: SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, or other Ordinances affected by this ordinance, and it shall be the intent of the Board of Supervisors that such remainder shall be and remain in full force and effect.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

SECTION 12: REPEALER

All other Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be and the same day are hereby repealed.

ENACTED AND ORDAINED this 28th day of July, 1994.

ATTEST:

/s/ Barbara A. Wilson  
Township Secretary

SOUTH MIDDLETON TOWNSHIP

/s/ R. Duff Manweiler, Chairman

/s/ Mary Ann Taylor, Vice-Chairman

/s/ James C. Baker, Member

/s/ Terry T. Rickert, Member

/s/ Antonio Gonzalez, Sr.