

No. 2011-54

AN ACT

HB 1449

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further providing for the office of borough manager and for powers and duties of a borough manager.

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

Section 1. Sections 1141 and 1142 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, are amended to read:

Section 1141. Borough Manager May be Created by Ordinance; Election.—The council of any borough may, at its discretion at any time, create by ordinance the office of borough 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[, **subject to removal by the council at any time by a vote of the majority of all the members**]. *The borough 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 1142.*

Section 1142. Powers and Duties; Bond.—The powers and duties of the borough manager shall be regulated by ordinance. *Council may enter into an employment agreement with the borough 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 borough 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 borough manager any legal remedy based on specific performance.* The council, by ordinance, may delegate, subject to recall, any of the nonlegislative and nonjudicial powers and duties of the council, the planning commission and the shade tree commission, to the borough manager. With approval of borough council, the mayor may delegate to the borough manager any of his nonlegislative and nonjudicial powers and duties.

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

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

TOM CORBETT

¹"entered in" in enrolled bill.