

OFFICIAL

**TOWNSHIP OF MOON
ORDINANCE NO. _____**

AN ORDINANCE OF THE TOWNSHIP OF MOON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, PART 3A OF THE MOON TOWNSHIP CODE OF ORDINANCES, TOWNSHIP MANAGER, TO REVISE THE REGULATIONS REGARDING THE TOWNSHIP MANAGER POSITION.

WHEREAS, Section 1301 of the Pennsylvania Second Class Township Code, 53 P.S. §66301, as amended, authorizes the Board of Supervisors of the Township of Moon (the "Township") to create the office of Township Manager by ordinance; and

WHEREAS, pursuant to Chapter 1, Part 3A of the Moon Township Code of Ordinances, Appointed Officials, as amended, the Township Board of Supervisors has created the office of Township Manager and established regulations related thereto (the "Township Manager Ordinance"); and

WHEREAS, the Township Board of Supervisors desires to amend the Township Manager Ordinance in accordance with attached document.

NOW THEREFORE, the Board of Supervisors of the Township of Moon hereby ordains and enacts as follows, incorporating the above recitals by reference:

Section 1. Chapter 1, Part 3A of the Moon Township Code of Ordinances, Township Manager, is amended by inserting the underlined text and deleting the stricken text as contained and set forth in the attached document.

Section 2. It is the intention of the Township that the chapters, parts, sections, subsections, paragraphs, sentences and/or phrases of this Ordinance are severable. If any chapter, part, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or the validity of any remaining chapters, parts, sections, subsections, paragraphs, sentences, or phrases of this Ordinance.

Section 3. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this _____ day of _____ 2015, by the Board of Supervisors of the Township of Moon, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MOON

Jeffrey L. Ziegler
Interim Township Manager/Secretary
(Seal)

By: _____
Marvin D. Eicher
Chairman, Board of Supervisors

Part 3

Appointed Officials

A. Township Manager

§1-301. Office Created.

The office of Township Manager is hereby created.

§1-302. Appointment; Term; Removal.

1. The Township Manager shall be appointed for an indefinite term by a majority of all the members of the Board of Supervisors.

2. The Manager shall serve at the pleasure of the Board of Supervisors, subject to contractual rights that may arise under an employment agreement entered into in accordance with §1301 of the Second Class Township Code, 53 P.S. §66301, as amended. The Township Manager may be removed at any time by a majority vote of all the members of the Board of Supervisors.

§1-303. Qualifications.

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

2. [Reserved].

§1-304. Bond.

Before taking office, and each year thereafter, the Township Manager shall furnish a fidelity bond in an amount set from time to time by official action of the Board of Supervisors, conditioned upon the faithful performance of his duties, with a corporation licensed to do business in the State as surety. The cost of such bond shall be paid from the Township general fund and the surety must be acceptable to the Board of Supervisors. The bond shall also comply with the Financial Security Ordinance [Chapter 1, Part 7].

§1-305. Compensation.

The compensation of the Township Manager shall be set from time to time by official action of the Board of Supervisors.

§1-306. Powers and Duties.

1. The Township Manager shall be the chief administrative officer of the Township and shall have and exercise all powers and duties assigned to him by the Board of Supervisors. The Township Manager shall be responsible to the Board of Supervisors as a whole for the proper and efficient administration of the affairs of the Township. He shall be charged with the enforcement of all laws and ordinances within the Township in so far as their enforcement is within the power of the

Township and has not been delegated by ordinance or resolution to other Township officers or employees. The Township Manager's powers and duties shall extend to the general management of all Township business not expressly by statute or ordinance imposed or conferred upon other Township officers or employees.

2. Subject to recall by ordinance of the Board of Supervisors, the powers and duties of the Township Manager shall include the following:

A. *Supervision of Departments.* He shall supervise and be responsible for the activities of all municipal departments.

B. *Hiring, Discharging Employees.* The Township Manager shall have the authority to hire all Township employees as the needs of the Township dictate and according to budgetary restrictions established by the Board of Supervisors; provided, however, the Township Manager shall obtain prior approval from the Board of Supervisors, in the form of a resolution, for all employee salaries and for the creation of all new employment positions. The Township Manager shall have the authority to discipline and suspend all Township employees; provided, however, the Township Manager shall obtain prior approval from the Board of Supervisors for the termination of any Township employee. ~~He shall, with the prior approval of the majority of the Board of Supervisors, hire and, when necessary for the good of the Township, suspend or discharge all full time employees of the Township; provided, further, that he~~ The Township Manager shall report to the Board of Supervisors, at the next meeting thereafter of the Board of Supervisors, any action taken by authority of this paragraph. ~~The Township Manager shall have the authority to hire and fire part time employees as the needs of the Township dictate and according to budgetary restrictions.~~ All Township employees shall perform their duties under the administrative direction of the Township Manager.

C. *Preparation of Annual Budget.* He shall prepare and submit to the Board of Supervisors before the close of the fiscal 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. The budget message shall provide a narrative of the fiscal plan emphasizing any significant changes in revenue and/or expenditures and any specific programs or projects in the budget. In preparing the budget, the Township Manager or an officer designated by him shall obtain from the head of each department, agency, board or office estimates of revenues and expenditures and other supporting data as he requests. The Township Manager shall review such estimates and may revise them before submitting the budget to the Board of Supervisors.

D. *Administration of Budget.* He shall be responsible for the administration of the budget after its adoption by the Board of Supervisors.

E. *Other Offices.* He shall hold such other municipal offices or head one or more of the municipal departments as the Board of Supervisors may from time to time direct including, but not limited to, Zoning Officer, Township Secretary, Township Treasurer and Code Official.

F. *Attendance at Board Meetings.* He shall attend all meetings of the Board of Supervisors, and such other meetings of Township officials, as the Board of Supervisors shall direct, ~~and its committees~~ with the right to take part in the discussion at such meetings. He shall receive notice of all special meetings of the Board of Supervisors.

G. *Preparation of Agenda for Board Meetings.* He shall prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.

H. *Periodic Reports and Recommendations.* He shall keep the Board of Supervisors informed as to the conduct of Township affairs; submit periodic reports on the condition of the Township finance and such other reports as the Board of Supervisors requests; and make such recommendations to the Board of Supervisors as he deems necessary.

I. *Annual Budget and Administrative Report.* 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.

J. *Supervision of Leases, Permits, Etc.* He shall see that the provisions of all franchises, leases, permits and privileges granted by the Township are observed.

K. *Employment of Experts, Consultants.* 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.

L. *Letting of Contracts.* He shall attend to the letting of contracts, with prior approval of the majority of the Board of Supervisors, in due form of law and 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.

M. *Payment of Bills; Collection of Township Claims.* 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 Township claims.

N. *Purchasing.* He shall be the purchasing officer of the Township and shall purchase, in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended, and the adopted budget, all supplies and equipment for the various agencies, boards, departments and other offices of the Township. He 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 shall also issue rules and regulations, subject to the approval of the Board of Supervisors, governing the requisition and purchasing of all municipal supplies and equipment. Notwithstanding anything herein contained to the contrary, the Township Manager shall not have the power and authority to make purchases or to enter into contracts where, according to the Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended, advertising is required, except with the prior approval of the majority of the Board of Supervisors.

O. *Handling of Complaints.* All complaints regarding services or personnel of the Township shall be referred to the Township 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.

P. *Accounts.* The Township Manager shall keep current accounts showing at all times the fiscal condition of the Township, including the current and anticipated expenses, appropriations, cash on hand and anticipated revenue of all municipal funds and accounts. The Township Manager shall have the authority to take appropriate action to withhold authorized appropriations, subject to Board of Supervisors approval, to maintain a balance between revenue and expenditures.

Q. *Contracts.* The Township Manager shall negotiate and examine all proposed contracts to which the Township may be a party, including intergovernmental cooperation agreements.

R. *Inventories of Property.* The Township Manager shall keep a current inventory showing all real and personal property of the Township and its location and shall be responsible for the

care and custody of all such property, including equipment, buildings, parks and all other Township property which is not, by statute, ordinance or resolution, assigned to some other officer or body for care and control.

S. *Reports and Publications.* It shall be the duty of the Township Manager to see to the official publication of all notices, ordinances or other documents required by law to be published and to prepare or cause to be prepared all reports which the Township or any of the officials thereof are required by law to prepare.

T. *Records; Certification of Records; Duties When Secretary.* The Township Manager may perform the duties of the Township Secretary in causing appropriate records to be made, preserved and certified as required by law and in respect to all action of the Board of Supervisors. When the Township Manager also holds the office of Township Secretary, the Township Manager shall: attest the execution of all instruments and record all ordinances; have custody of the Township's corporate seal as herein provided, and all official Township records; and, where required, acknowledge and execute documents as Secretary of the Township.

U. *Collection of Fees and Obligations; Duties as Treasurer.* The Township Manager shall be responsible for the proper collection, by designated Township officials, of all fees and obligations due the Township. In the event that the designated authority fails to or refuses to collect the sums due the Township, the Township Manager may do so in his behalf where such authority is not prohibited by law or ordinance. The Township Manager shall serve as the Treasurer of the Township.

§1-307. Supervisors Authority over Employees.

The Board of Supervisors or any of its members shall not dictate or attempt to dictate the hiring of any person by the Township Manager. Except for the purpose of inquiry, the Board of Supervisors and its individual members shall deal with the administration of the Township solely through the Township Manager. The Board of Supervisors or any of its members shall not give orders or directives, publicly or privately, to any employees of the Township other than the Township Manager. Neither the Board of Supervisors nor any of its committees or members thereof shall dictate or attempt to dictate the hiring of any person to or his discharge from employment by the Township Manager or in any manner take part in the hiring, suspending or discharging of employees in the administrative service of the Township. Except for the purpose of inquiry, the Board of Supervisors, its committees and its members shall deal with the administrative service solely through the Township Manager, and neither the Board of Supervisors nor any of its committees or any of its members shall give orders, publicly or privately, to any subordinates of the Township Manager. Notwithstanding anything herein contained to the contrary, the Board of Supervisors reserves unto itself the rights, power and authority as set forth in 1-306.2.B.