

TO: Lester K. Fryer, Chairman, Local Gov't Committee

FROM: John Broujos, Counsel

SUBJECT: House Bill 856, Prs. No. 945.- Second Class Township Supervisor can hold office of Township Manager.

REF: 53 PS 65410; 53 PS 65599.1

LAW AND MUNICIPALITY AFFECTED: Second Class Township Code, Act of May 1, 1933, PL 103, Section 410, Section 599.1

SIMILAR LAWS: The Borough Code provides similar provision for appointment of a Borough Manager. Section 1141, 53 PS 46141. The First Class Township Code also contains a similar provision. Section 1502, 53 PS 56504.

The Second Class Township Code has contained a provision for the appointment of a Township Manager since 1949. However, that provision prohibits the Township Manager from also being a Supervisor.

There is no indication in the First Class Township Code that the office of Township Manager is incompatible with the office of a Commissioner.

The Borough Code states that "...No Mayor or member of the council may serve as Borough Manager or as Secretary or Treasurer." Section 1104, 53 PS 46104.

PROVISIONS:

Purpose: The purpose of this bill is to permit township supervisors to serve as Township Managers.

Section 1 (Section 410) This provision on the election of supervisors contains a provision as to incompatible offices for supervisors. It states that no supervisor shall at the same time hold any other elected or appointed township office other than Road Master, Secretary-Treasurer, or Township Manager.

Comment: Since there are three supervisors on the board, the appointment of one of the three as a township manager will require the vote of the other two members alone, with the abstention of the supervisor to be appointed. He should not participate in a vote involving him personally and involving compensation payable to him.

Section 2 (Section 599.1) This section is included in the bill in order to omit the specific prohibition against a township manager holding the office of supervisor. In the last paragraph, the position of supervisor is removed from the incompatible offices for a township manager.