

**UPPER MACUNGIE TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE 2024-01
(Duly Adopted January 2, 2024)**

AN ORDINANCE RATIFYING AND REVISING THE PREVIOUSLY ESTABLISHED POSITION OF TOWNSHIP MANAGER; THE TERM OF OFFICE OF MANAGER; QUALIFICATIONS; BOND REQUIRED; COMPENSATION; RESPONSIBILITIES AND DUTIES THEREOF; RESTRICTIONS ON SUPERVISORS; DELEGATION OF MANAGER DUTIES; GENDER NEUTRAL TEXT AND SEVERABILITY CLAUSES. THIS ORDINANCE SHALL REPEAL AND REPLACE PREVIOUSLY ADOPTED ORDINANCE 2014-04 IN ITS ENTIRETY.

WHEREAS, the Board of Supervisors ("Board") of Upper Macungie Township, by the adoption of Ordinance 2014-04, previously established the position of Township Manager with said ordinance also defining the qualifications; bond requirements; compensation and responsibilities and duties thereof; and

WHEREAS, a recent review of Ordinance 2014-04 revealed the need to ratify the Position of Township Manager and to make certain changes and amendments in order to match the current duties and responsibilities of the position of Township Manager.

AND NOW, BE IT AND IT IS HEREBY ORDAINED by the Board of Supervisors of Upper Macungie Township as follows:

1. **Creation.** The Office of Township Manager is hereby ratified by the Board of Supervisors of the Township of Upper Macungie, subject to the right of the Board of Supervisors, by ordinance, to at any time abolish such office or make changes to said office.

2. **Term of Office.** The Township Supervisors shall appoint, by a majority vote of all its members, one (1) person to fill the office of Township Manager, who shall begin their term of office upon their appointment or as soon thereafter as possible. The Manager shall serve until the first Monday of January of each year succeeding their

appointment, unless and until their successor is selected and qualified. The said office shall be filled annually thereafter. In the case of a vacancy, the Supervisors shall fill said office by majority vote of all its members. The Township Manager shall, however, be subject to removal at any time by a majority vote of all the members of the Board of Supervisors.

3. Qualifications. The Township Manager shall be chosen solely on the basis of their executive and administrative qualifications, with special reference to their actual experience in or their knowledge of accepted practices in respect to the duties of the office herein outlined.

A. The Township Manager need not be a resident of the Township.

B. No Upper Macungie Township Supervisor shall be appointed as township manager during the term for which he shall have been elected, or appointed, nor within one (1) year after the expiration of their term.

C. The Township Manager shall have no interest in contracts of the Township, shall not be in debt to the Township, and shall not, at the time of their appointment, be related to any of the Township Supervisors.

4. Bond Required. Before entering upon their duties, the Township Manager shall give a bond to the Township, with a bonding Company as surety, in the sum as provided by Resolution conditioned for the faithful performance of their duties. The premium for the bond shall be paid for by the Township.

5. Compensation. The Township Manager shall receive such compensation as shall be fixed from time to time by resolution,

6. Responsibility. The Manager shall be the chief administrative officer of the Township and shall be responsible to the Board of Supervisors as a whole for the proper and

efficient administration of the affairs of the Township. Their powers and duties shall relate to the general management of all Township business not expressly, by statute or ordinance, imposed or conferred upon other Township officers.

7. Duties. Subject to recall by ordinance, the powers and duties of the Manager shall include the following:

A. The Manager shall supervise and be responsible for the activities of all municipal departments, except those departments, if any, for which supervision shall not have been delegated to the Manager by the Board of Supervisors.

B. Hiring; Discipline and Termination.

The Manager shall appoint persons to fill vacant positions with the following conditions:

- 1) Appointing a person to an approved and budgeted position and within the budget's approved salary or within a 5% increase; a notice will be provided to the Board, by email, prior to the appointment.
- 2) Appointing a person to a new (unbudgeted position); the Manager will request Board action at a regularly scheduled General Business Meeting.

When the Manager deems it necessary for the good of the Township; the Manager shall suspend (with or without pay) or discharge any employee under his supervision with the following conditions:

- 1) The Manager shall provide the Board of Supervisors with written notice of their intention to suspend an employee by email, the notice shall include all background information for the rationale leading to the suspension.
- 2) Such notice will be given to the Board, by email, not fewer than forty-eight (48) hours prior to the action or in emergency situations, immediately after the suspension.

- 3) The Manager shall provide the Board of Supervisors with written notice of their intention to discharge an employee by email, the notice shall include all background information for the rationale recommending the discharge.
- 4) Notice for an employee's discharge will occur not fewer than forty-eight (48) hours before a regular General Business Meeting or an executive session of the Board.
- 5) Discharge shall not occur until such meeting has been held and approved by the Board of Supervisors.
- 6) All notifications to the Board of Supervisors will also copy the Township Solicitor and/or the Township's Labor Solicitor.

Employees covered by the Civil Service provisions or any applicable municipal code or labor law, or by a collective bargaining agreement, shall be appointed, suspended, or discharged in accordance with such provisions.

- C. No new position of employment shall be created without the approval of the Board, which shall also determine the initial compensation of such. However, the actual hiring of persons to fill new positions is the responsibility of the Manager. No person shall be chosen by the Manager to fill any existing position at a rate of pay which is more than five percent (5%) higher than that which was paid to any previous occupant of the position, without the express prior approval of the Board.
- D. The Manager shall prepare and submit to the Board of Supervisors, not later than October 1 of each year, a proposed budget for the next fiscal year, together with an explanatory budget message. In preparing the proposed budget the Manager, or an officer designated by the Manager, shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as they request. The Manager shall review such estimates and may

revise them before submitting the budget to the Board of Supervisors.

- E. The Manager shall be responsible for the administration of the budget after its adoption by the Board of Supervisors
- F. The Manager shall, under the direction of the Board of Supervisors, execute and enforce the non-penal laws of the Commonwealth, and the NON-PENAL ordinances, resolutions and bylaws of the Township.
- G. The Manager shall attend all meetings of the Township Board of Supervisors and of its committees, with the right to take part in the discussion, and they shall receive notice of all regular and special meetings of the Board of Supervisors and of its committees.
- H. The Manager, or an officer designated by the Manager, shall prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.
- I. The Manager shall keep the Board of Supervisors informed as to the conduct of all Township affairs; submit periodic reports on the condition of the Township finances and such other reports as the Board of Supervisors shall request; and shall make such recommendations to the Board of Supervisors as they deem necessary or appropriate.
- J. The Manager 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.
- K. The Manager shall see that the provisions of all franchises, leases, permits, and privileges granted by the Township are observed.
- L. The Manager 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.

- M. The Manager shall attend to the letting of contracts 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.
- N. The Manager shall see that all money owed the Township is promptly paid and that proper proceedings are taken for the security and collection of all the Township's claims.
- O. The Manager shall be the Purchasing Officer of the Township and shall purchase, in accordance with the provisions of the Township Code, all supplies and equipment for the various agencies, boards, departments, and other offices of the Township. The Manager shall also issue rules and regulations subject to approval of the Board of Supervisors governing the requisition and purchasing of all municipal supplies and equipment.
- P. All complaints regarding services or personnel of the Township shall be referred to the office of the Manager. The Manager, or an officer designated by the Manager, shall investigate and dispose of such complaints, and the Manager shall report thereon to the Board of Supervisors.
- Q. The Manager shall perform such other duties as may be required by the Board of Supervisors, not inconsistent with the Second-Class Township Code, the law relating thereto, and ordinances of the Township.

Any power, duty or function granted to the Manager in this Section may be delegated by the Manager to others in the employ of the Township, however, any such delegation shall not reduce or diminish the responsibility of the Manager for full and proper fulfillment of same.

- 8. Restrictions on Supervisors. Neither the Board of Supervisors nor any of its members

shall direct or request of the Township Manager, or any of Manager's subordinates, the appointment of any person to, or removal from, office or in any manner take part in the appointment or removal of officers and employees in the administrative services of the Township. Except for the purpose of inquiry, the Board of Supervisors and its members shall address the administration of the Township only through the Township Manager, whose actions shall be directed solely by vote of a majority of the Board. Neither the Board, nor any member thereof, shall give orders to any subordinate of the Township Manager, either publicly or privately.

9. Delegation of Duties. In case of illness or absence of the Manager from the Township, the Manager shall delegate one (1) qualified member of their staff who shall perform the duties of the Manager during their absence or disability. The person so designated shall not perform such duties for a period longer than two (2) weeks without the approval of the Board of Supervisors.

10. Severability. If any section, subsection or sentence, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the Township prescribing the duties of heads of departments shall remain in full force and effect insofar as they do not conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.

11. Gender. Any references in this ordinance to the pronouns "he," "him," or "his" and/or "she," "her" and "hers" shall be deemed to be gender neutral.

ENACTED AND ORDAINED the 2nd day of January 2024 by the Board of Supervisors of the Township of Upper Macungie, Lehigh County, Pennsylvania, in lawful session duly assembled.

ATTEST



JAZMIN VAZQUEZ, Secretary

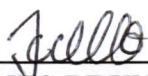
UPPER MACUNGIE TOWNSHIP
BOARD OF SUPERVISORS



JEFF FLEISCHAKER, Chairman



SUNNY GHAI, Vice-Chairman



JAMES BRUNELL, Member

