

**BOROUGH OF STOCKERTOWN
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2-26-01

AN ORDINANCE OF THE BOROUGH OF STOCKERTOWN, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE STOCKERTOWN CODE OF ORDINANCES PROVIDING FOR THE CREATION AND ESTABLISHMENT OF THE OFFICE OF BOROUGH MANAGER, DEFINITIONS, APPOINTMENT AND QUALIFICATIONS, TERMS AND REMOVAL, BOND, COMPENSATION, GENERAL POWERS AND DUTIES, AUTHORIZATION TO SERVE AS SECRETARY AND TREASURER IF AUTHORIZED BY BOROUGH COUNCIL, MANDATORY MONTHLY FINANCIAL REPORTING, PURCHASING AUTHORITY AND SPENDING LIMITATIONS, BUDGETARY CONTROLS, LIMITATIONS OF AUTHORITY, APPOINTMENT OF INTERIM MANAGER, PERFORMANCE EVALUATION, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Borough of Stockertown is authorized by the Pennsylvania Borough Code to provide for the health, safety, and welfare of its residents and to provide for the efficient administration of Borough affairs; and

WHEREAS, the Borough Council of the Borough of Stockertown desires to establish the office of Borough Manager to serve as the chief administrative officer of the Borough, responsible to Borough Council as a whole; and

WHEREAS, the Pennsylvania Borough Code, including 53 Pa.C.S. § 1141 et seq., authorizes Borough Council to create the office of Borough Manager and to define the Manager's powers, duties, appointment, compensation, and removal; and

WHEREAS, Borough Council further desires to establish clear financial reporting, purchasing, and budgetary controls to promote accountability, transparency, and sound municipal administration.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Stockertown, Northampton County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Definitions

Unless otherwise expressly stated, the following words and phrases shall have the meanings set forth below. Words not defined herein shall be construed consistent with their common and ordinary meanings and the Pennsylvania Borough Code.

BOROUGH. The Borough of Stockertown, Northampton County, Pennsylvania.

BOROUGH COUNCIL or COUNCIL. The Borough Council of the Borough of Stockertown.

BOROUGH MANAGER or MANAGER. The chief administrative officer of the Borough when appointed by Borough Council, having the powers and duties set forth in this Ordinance, the Pennsylvania Borough Code, and any lawful resolution, policy, or directive of Borough Council.

SECRETARY/TREASURER. The appointed Borough officer or employee responsible for the duties assigned by Borough Council, Borough ordinance, and applicable law. Until a Borough Manager is appointed, or during a vacancy in the office of Borough Manager, references to the Borough Manager may be performed by the Secretary/Treasurer or other person designated by Borough Council, unless otherwise prohibited by law.

Section 2. Establishment of Office

The office of Borough Manager is hereby created and established. The Borough Manager shall be the chief administrative officer of the Borough and shall be responsible to Borough Council as a whole for the proper and efficient administration of Borough affairs placed under the Manager's charge.

Section 3. Appointment and Qualifications

The Borough Manager shall be appointed by a majority vote of all members of Borough Council.

The Manager shall be selected on the basis of executive, supervisory, and administrative qualifications, with special reference to actual experience in, and knowledge of, accepted practices of municipal government, public administration, finance, budgeting, personnel management, and municipal operations.

The Manager need not be a resident of the Borough at the time of appointment. Borough Council may establish residency requirements by resolution or by the terms of employment.

The Manager shall serve as an at-will employee unless a written employment agreement approved by Borough Council expressly provides otherwise.

Section 4. Term and Removal

The Borough Manager shall serve at the pleasure of Borough Council and may be removed at any time, with or without cause, by a majority vote of all members of Borough Council, unless a written employment agreement approved by Borough Council expressly provides otherwise.

Borough Council may, but is not required to, provide written notice of removal. Nothing in this Ordinance shall create a property right, tenure right, or other vested employment right in the office of Borough Manager, unless a written employment agreement approved by Borough Council expressly provides otherwise.

Upon removal, resignation, incapacity, or vacancy, Borough Council may appoint an Interim Borough Manager or designate another Borough officer or employee to perform administrative duties temporarily.

Section 5. Bond

Before entering upon the duties of office, the Borough Manager shall furnish a bond to the Borough with corporate surety, in an amount fixed by Borough Council, conditioned upon the faithful performance of the Manager's duties. The premium for the bond shall be paid by the Borough.

Section 6. Compensation

The salary, hourly rate, stipend, benefits, and other compensation of the Borough Manager shall be fixed from time to time by motion, resolution, employment agreement, or other lawful action of Borough Council.

Section 7. General Powers and Duties

Subject to the limitations imposed by the Pennsylvania Borough Code, this Ordinance, other Borough ordinances, resolutions, policies, and any direction of Borough Council, the Borough Manager shall have the following powers and duties:

Administration. Supervise and be responsible for the day-to-day activities of all Borough departments, offices, employees, and operations placed under the Manager's charge, except as otherwise provided by law.

Council Responsibility. Be responsible to Borough Council as a whole for the proper and efficient administration of Borough affairs and carry out the lawful policies and directives of Borough Council.

Personnel. Recommend to Borough Council the appointment, suspension, discipline, or removal of Borough employees. The Manager may hire, suspend, or discharge employees only if and to the extent such authority is expressly delegated by Borough Council and permitted by law, and subject to civil service or other statutory requirements where applicable.

Duties as Secretary. When serving in the capacity as Borough Secretary, the Borough Manager shall be responsible for, or shall ensure the proper performance of preparation and maintenance of Borough records and minutes; attestation of official documents; custody of the Borough seal and official records; compliance with all statutory recordkeeping and public notice requirements.

Duties as Treasurer. When serving in the capacity as Borough Treasurer, the Borough Manager shall be responsible for, or shall ensure the proper performance of oversight of all Borough funds, accounts, and financial transactions; maintenance of accurate financial records; coordination of deposits, disbursements, and reconciliations; compliance with all applicable auditing, reporting, and fiscal control requirements.

Right to Know Officer. The Borough Manager may be designated by Borough Council to serve as the Open Records Officer in accordance with the Pennsylvania Right-to-Know Law.

Budget Preparation. Prepare, with the assistance of the Finance Committee, Secretary/Treasurer, department heads, consultants, and other appropriate officers, and submit to Council a proposed annual budget for the next fiscal year and an explanatory budget message.

Budget Administration. Administer the budget after adoption by Borough Council, monitor departmental expenditures, advise Council regarding the condition of the budget, and promptly report actual or anticipated budget overruns.

Meetings. Attend all meetings of Borough Council and its committees unless excused, with the right to participate in discussion but without the right to vote, and receive notice of all special meetings of Council and its committees.

Agenda and Council Support. Assist the Council President, Secretary/Treasurer, and Council in preparing meeting agendas, assembling supporting materials, and providing facts pertinent to matters before Council.

Reports and Recommendations. Keep Council informed as to the conduct of Borough affairs; submit periodic reports on finances, administration, operations, projects, and personnel matters; and make recommendations to Council as deemed necessary or as requested.

Financial and Administrative Report. Submit to Council as soon as practicable after the close of each fiscal year a complete report regarding the financial and administrative activities of the Borough for the preceding year.

Ordinances, Resolutions, Policies, and Permits. Together with the Secretary/Treasurer and other appropriate officers, see that Borough ordinances, resolutions, policies, franchises, leases, permits, privileges, and contracts are administered, observed, and carried out as directed by Council.

Contracts. With prior approval of Borough Council, attend to the letting of contracts in due form and in accordance with law and supervise the faithful performance and execution of such contracts, except where such duties are otherwise imposed by statute or Borough action.

Revenue and Claims. See that all money owed to the Borough is promptly paid and that proper proceedings are taken for the security and collection of all Borough claims, in coordination with the Secretary/Treasurer and Solicitor as appropriate.

Complaints. Receive and investigate complaints regarding Borough services, operations, or personnel and report such complaints and recommended action to Borough Council as appropriate.

Cooperation. Cooperate with Borough Council at all times and in all matters so that the best interests of the Borough and the general public may be maintained.

Section 8. Secretary and Treasurer designation

A. Designation of Roles

The Borough Manager may serve as the official Borough Secretary and Borough Treasurer, as authorized under the Pennsylvania Borough Code, when provided by ordinance or resolution of Borough Council.

B. Delegation and Support Staff

Borough Council may authorize the employment of administrative staff, including an office secretary or finance personnel, to assist in carrying out the duties of the Secretary and Treasurer. Such staff may perform day-to-day clerical, administrative, or financial functions as assigned. The office secretary or designated staff may perform Treasurer-related functions, including bookkeeping and processing of financial transactions. Notwithstanding any delegation, the Borough Manager when authorized shall remain the official Secretary and Treasurer of record and shall retain ultimate responsibility and oversight for all such duties.

C. Continuity of Operations

In the absence or incapacity of the Borough Manager, Borough Council may designate an interim Secretary and/or Treasurer by resolution.

Section 9. Mandatory Monthly Financial Reporting

The Borough Manager shall submit monthly financial reports to Borough Council. Such reports shall be provided no later than five (5) business days prior to the regular monthly Council meeting unless otherwise directed by Council.

The monthly financial report shall include, at a minimum:

- (1) A statement of revenues and expenditures showing budgeted amounts, actual year-to-date amounts, and remaining balances;
- (2) A check register or list of payments made and proposed payments to be approved;
- (3) A revenue report by fund and major revenue category;
- (4) Cash balances by fund and account;
- (5) Outstanding obligations, liabilities, loans, or other known commitments;
- (6) Capital project tracking, grant tracking, and project balances, if applicable;
- (7) A report identifying any line item or department that is over budget or reasonably anticipated to exceed its adopted budget; and
- (8) Any other financial information requested by Borough Council.

The Borough Manager shall certify that the monthly financial reports are true and correct to the best of the Manager's knowledge, information, and belief, based upon the records available to the Manager.

Section 10. Purchasing Authority and Spending Limit

The Borough Manager shall be the purchasing officer of the Borough, subject to the Pennsylvania Borough Code, applicable bidding and procurement laws, the adopted budget, Borough ordinances and policies, and the limitations set forth in this Ordinance.

The Borough Manager may authorize routine purchases and expenditures without prior approval of Borough Council only when the purchase or expenditure does not exceed One Thousand Dollars (\$1,000.00) per transaction and the purchase or expenditure is within the adopted budget.

Purchases or expenditures exceeding One Thousand Dollars (\$1,000.00) shall require prior approval of Borough Council unless otherwise expressly authorized by law or by a specific prior action of Borough Council.

The Manager shall not split, divide, or stage purchases, invoices, work, services, or contracts for the purpose of avoiding the spending limitation, bidding requirements, or Council approval.

All purchases shall be made in accordance with applicable provisions of the Pennsylvania Borough Code relating to bidding, quotations, public contracts, and procurement, as amended from time to time.

The Manager shall keep a full written account of all purchases and shall report such purchases to Borough Council in the monthly financial reports.

Section 11. Budgetary Controls

The Borough Manager shall ensure that no department, office, employee, or agent expends funds in excess of the adopted budget or outside the scope of the applicable budget line item without prior approval of Borough Council.

The Manager shall monitor all departmental budgets and shall promptly notify Council of any actual or anticipated overrun, deficit, irregular expenditure, or financial condition requiring Council action.

No provision of this Ordinance shall be construed to authorize the Manager to incur debt, bind the Borough to a contract, transfer appropriations, or amend the adopted budget except as authorized by Borough Council and applicable law.

Section 12. Limitations of Authority

The Borough Manager shall have no authority to exercise legislative powers, adopt ordinances or resolutions, vote on matters before Borough Council, appoint or remove elected officials, or take any action inconsistent with the Pennsylvania Borough Code, this Ordinance, Borough ordinances, resolutions, policies, or applicable law.

Nothing in this Ordinance shall diminish the lawful powers or duties of the Mayor, Borough Council, Secretary/Treasurer, Solicitor, Engineer, Auditor, Tax Collector, or any other official where such powers or duties are fixed by law unless lawfully delegated or assigned.

Section 13. Interim Borough Manager

In the event of a vacancy, absence, incapacity, or transition period, Borough Council may appoint an Interim Borough Manager or temporary administrative officer to serve under such terms, compensation, limitations, and duration as Council may establish. Unless otherwise stated by Council, an Interim Borough Manager shall be subject to the same spending limitation and reporting requirements set forth in this Ordinance.

Section 14. Performance Evaluation

Borough Council may conduct an annual performance evaluation of the Borough Manager and may establish goals, expectations, priorities, and administrative objectives for the Manager from time to time.

Section 15. Repealer

All ordinances, resolutions, policies, or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 16. Severability

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions of this Ordinance.

Section 17. Effective Date

This Ordinance shall become effective immediately upon enactment as provided by law.

ENACTED AND ORDAINED by the Borough Council of the Borough of Stockertown this
1 day of June, 2026.

BOROUGH COUNCIL OF THE BOROUGH OF STOCKERTOWN

ATTEST:


Borough Secretary

By:


Council President

APPROVED this 2nd day of June, 2026.

ATTEST:


Borough Secretary

By:


Mayor