

MILLCREEK GOVERNMENT STUDY COMMISSION
SECOND CLASS TOWNSHIP CODE/CURRENT FORM OF
GOVERNMENT COMMITTEE OF THE WHOLE
SUMMARY PRESENTATION

1) ELECTION OF OFFICERS

- a) All elected officials (supervisors, tax collector and elected auditors) must be an elector of the township; must reside in the township continuously for at least one year prior to their election; and must reside continuously during their term of office.
- b) Supervisors and elected auditors serve 6 year term; tax collector serves 4 year term.

2) VACANCIES IN OFFICE

- a) Occurs upon death, resignation or is no longer a resident, or in the event electors fail to elect one of the elected officials, or is removed from office based on conviction of misbehavior or an infamous crime under the PA Constitution.
- b) When the supervisors fill a vacancy, the person must meet the same requirements as elected officials regarding residency, and being an elector.
- c) Vacancy is created on the date that the resignation is accepted by a majority vote of the BOS at a public meeting, or the effective date of the tendered resignation, whichever is later.
- d) BOS has up to 45 days to accept the resignation unless it is withdrawn in writing prior to acceptance.
- e) If not formally accepted within 45 days, it is deemed accepted.
- f) BOS has up to 30 days to fill the vacancy; if not the matter goes to a vacancy board to fill the vacancy within 15 days; if the vacancy is not filled the matter goes to court for a judge to fill the vacancy.
- g) Person who fills the vacancy runs in the next municipal election for the unexpired term, and/or another qualified person may run.

3) OATH OF OFFICE

- a) All elected and select appointed officials must take an oath of office.

4) BONDS

- a) Certain elected and appointed officials are required to give a bond for the faithful performance of their duties of the office (supervisors, secretary, treasurer, tax collector, and anyone who handles money).

5) SUPERVISORS

- a) Organization Meeting
 - Elect Chair, Vice-Chair, Secretary, Treasurer and other appointments.
 - Schedule regular monthly meetings
- b) Appointment of Supervisors may be employed by the township as a roadmaster, laborer, secretary, treasurer, or in any employee capacity not otherwise prohibited (e.g., manager, police officer).
- c) Monthly Meetings; Quorum; and Voting
 - BOS must meet at least once monthly to transact business.
 - Quorum is two members of a three member board.
 - Affirmative majority vote is required to transact business at a public meeting.
- d) Minutes and Records
 - Minutes are to be recorded in a minute book upon BOS approval.

6) COMPENSATION OF SUPERVISORS

- a) Established by ordinance, based on population with an annual maximum (based on latest official census figures).
- b) Millcreek Township Supervisors are at the maximum annual compensation for elected supervisors based on population (54,073).
- c) Elected auditors determine compensation for supervisors employed by the township which shall be comparable to compensation paid in the locality for similar services.
- d) Supervisors employed by the township, or not employed, and their dependents are eligible to receive group life, health, hospitalization, medical service and accident insurance plans paid by the township whole or in part.
- e) Non-employed supervisors may not receive these benefits until the beginning of their next term of office as supervisor.
- f) Supervisors and their dependents who are over 65 years of age are eligible for supplemental Medicare insurance coverage paid whole or in part by the township. Requires submission of a letter requesting participation at a regularly scheduled meeting before beginning participation.

7) DUTIES OF SUPERVISORS

- a) Charged with the general governance of the township, and execution of legislative, executive and administrative powers to ensure sound fiscal management, and to secure the health, safety and welfare of the township citizens.
- b) Have responsibility for maintenance of township-owned equipment and facilities.
- c) Employ persons as may be necessary for the general conduct of business of the township, and provide for the compensation, organization and supervision of persons so employed.
- d) Records shall be kept and reports made and filed giving names of all persons employed.
- e) Dates on which work was done, number of hours worked with compensation paid to each person and the capacity in which employed.
- f) Authorize attendance at conferences, institutes, schools, and conventions dealing with the duties and functions of elected or appointed officials.
- g) Annually, or by February 1, furnish to the board of auditors information on construction or maintenance of roads or other matters that may be required by and department of the Commonwealth to be included in the annual township report.
- h) Perform duties and exercise powers as may be imposed or conferred by law or rules and regulations of any agency of the Commonwealth.

8) TOWNSHIP TREASURER

- a) Appointed by Board of Supervisors. (BOS)
- b) If an individual, must give bond in an amount established by the BOS for faithful performance of the duties of the office.
- c) Amount of bond shall be equal to the highest amount of township funds estimated by the BOS to be available to the treasurer at any time during the current year.
- d) Compensation is set by the BOS.
- e) Duties:
 - Receive all monies due the township and deposit them promptly in a designated depository in the name of the township.
 - Keep distinct and accurate records of all sums received from taxes and other sources, which accounts shall be open to inspection of the BOS and any citizen of the Commonwealth.
 - Payout all monies of the township only on direction of the BOS.
 - Annually state the accounts and make them available to the board of auditors for settlement.
 - Preserve account books, papers, documents, and other records of the office and turn them over to the successor in office.
 - Make deposits in the name of the township.
- f) Treasurer may have an assistant treasurer appointed by the BOS who shall assist the Treasurer and perform the duties of the treasurer in their absence or disability, and shall be bonded.

9) DEPOSITORIES OF TOWNSHIP FUNDS

- a) Depositories are designated by the BOS.
- b) Shall be banks located in PA.
- c) Deposits shall be insured with the FDIC or other related agency.
- d) BOS shall require each bank to furnish an additional bond, insurance or security to cover the amount of any deposits in excess of the insured limits (letter of collateralization).

10) TOWNSHIP SECRETARY

a) Appointed by the BOS and serves at the pleasure of the BOS.

b) Duties:

- Clerk to the BOS.
- Record proceedings of the BOS and all court orders relative to laying out, opening and vacating of roads in the minutes book.
- Preserve the minute book and other records and turn them over to the successor in office.
- With the consent of the BOS and in conformity with other laws governing the retention and disposition of township records, have the authority to destroy records and papers of the township other than the minute book and account book after the lapse of six years from the date of the records.
- Inform the BOS of all township meetings including special meetings of the BOS.
- Compensation is set by the BOS.
- BOS may appoint an assistant secretary to assist the secretary or, in the absence or disability of the secretary perform the duties of the township secretary.

11) BOARD OF ELECTED AUDITORS

a) Set annual compensation for the BOS employed by the township.

b) Upon death, resignation of any of the officials designated to be audited, board of elected auditors shall meet and audit the accounts of the former incumbent and determine compensation of the successor as applicable.

c) Elected auditors have up to 50 hours to conduct an interim audit.

d) Compensation of each auditor is \$10/hour while conducting the audit.

e) BOS may increase hourly rate up to \$18.

f) BOS may appoint a CPA to conduct the annual audit. The elected auditors will continue to set compensation for supervisors employed by the township.

12) TOWNSHIP MANAGER; APPOINTMENT, REMOVAL, POWERS AND DUTIES; COMPENSATION; BOND

- a) BOS may create the manager position by ordinance, and conversely may abolish the position.
- b) Serves at the pleasure of the BOS.
- c) BOS may enter into an employment agreement that may set forth terms and conditions of employment.
- d) Employment agreement may provide that it shall remain in effect for a specified period terminating no later than 2 years after the effective date of the agreement, or the date the BOS organization meeting following the next municipal election, whichever shall occur first.
- e) Employment agreement may specify conditions under which the township manager would be entitled to severance compensation.
- f) Powers and duties of a township manager shall be established by an ordinance creating the position.
- g) Township manager shall give a bond in an amount set by the BOS.
- h) Township manager may also be appointed secretary, treasurer, or any other office or employment, except that of supervisor, auditor, or police officer.

13) CORPORATE POWERS (EXAMPLES)

- a) Sale of Real Property – sale to highest bidder.
- b) Sale of Personal Property – sale to highest bidder.
- c) Intergovernmental Cooperation.
- d) Capital Reserve Fund.
- e) Operating Reserve Fund.
- f) Incurring Indebtedness.
- g) Land Use Regulations.
- h) Building and Housing Regulations.
- i) Regulation of Business.

14) CONTRACTS/PURCHASING

- a) Sealed competitive bidding – for project cost of \$23,800 or more (2025).
 - Advertising of Bids – award to lowest responsible bidder.
- b) Written or Telephonic Bids – for the annual purchase of goods that are between \$12,900 and 23,799
 - Seek price quote from at least three qualified and responsible contractors/vendors.
 - Maintain written records for three years of price quotation, date, name of contractor/vendor, and representative spoken to, and price.
- c) Exceptions to sealed competitive bidding
 - Professional services, purchase made under emergency conditions, work provided by employees (materials, supplies used are subject to bidding), and sole source purchase (only one contractor/vendor to sell specific product).

15) TAXATION AND FINANCE

- a) Annual Budget – all funds, all activities – annual estimate of revenue and expenses.
- b) Advertise preliminary budget – 20 days public inspection period.
- c) BOS may make budget revisions prior to final approval which may need advertised again before final adoption.
- d) In January, the new BOS may reopen the budget and revisit the millage rate. Any changes may have to be re-advertised depending on the amount, and the revised budget re-adopted by February 15.
- e) BOS may make supplemental appropriations from funds that are on hand or estimated to be received within the current fiscal year.
- f) BOS may transfer unencumbered monies from one account to another after March 31.
- g) BOS authorize investment of township funds. Permissible investments are enumerated in the Township of the Second Class Code. All investments must provide a guarantee of the principal amount with a stated rate of return – FDIC insured or related government or non-profit agency.

h) Rates of Taxation (Real Estate)

- General Purpose – Cap of 14 mills – may be increased up to 5 additional mills with annual court approval – must show necessity/need.
- Street Lighting – up to five mills.
- Procure Land and Construction of Buildings – not to exceed 50% of the rate of assessment for the general township tax.
- Purchase and maintain fire apparatus, housing fire apparatus, training fire personnel, contract with an adjacent VFD for fire protection – not to exceed 3 mills.
- Paying salaries, benefits or other compensation for fire suppression – up to 1 mill.
- On fire apparatus, the BOS may waive the millage limit if it is higher than 3 mills if a referendum is held and voters approve.
- Maintain fire hydrants – up to 2 mills.
- Park and recreation facilities – no millage limit.
- Payment of principal and interest on indebtedness – no millage limit.
- Support ambulance, rescue and other emergency services serving the township – up to one-half mill.
- Paying salaries, benefits or other compensation of employees of ambulance, rescue or other compensation – up to one-half mill.
- BOS may waive the millage limit if it is set higher than one-half mill and voter approval is given in a referendum.
- Annual tax not to exceed 5 mills to create and maintain a revolving loan fund to be used in making permanent street, sidewalk, water supply or sewer improvements prior to the levy of a special assessment on property-owners.
- Create and accumulate monies in a road equipment fund to be used exclusively for purchasing road equipment – up to 7 mills.