

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 751

Session of 1971

INTRODUCED BY MAHADY, REIBMAN, W. E. FLEMING, FRAME AND MURPHY, MAY 25, 1971

AS AMENDED ON THIRD CONSIDERATION, FEBRUARY 8, 1972

AN ACT

1 Relating to optional plans of government for Pennsylvania
2 municipalities.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

ARTICLE I

Short Title; Definitions; Application

7 Section 101. Short Title.--This act shall be known and may
8 be cited as the "Optional Plans for Local Government Act."

9 Section 102. Definitions.--As used in this act:

10 (1) "Optional plans" means optional forms of government for
11 counties and municipalities as adopted by local action.

12 (2) "County optional law" means all classes of counties in
13 the Commonwealth.

14 (3) "Municipality" means a county, city, borough, town or
15 township.

16 (4) "Governing body" means boards of county commissioners,
17 city councils and mayors, borough or town councils and mayors,
18 commissioners of townships of the first class, and supervisors

1 of townships of the second class.

2 (5) "Electors" means the registered voters of any
3 municipality involved in proceedings relating to the adoption
4 and repeal of optional forms of government.

5 (6) "Election officials" means the county boards of
6 election, except in Philadelphia where "election officials"
7 means the city board of elections.

8 Section 103. Application.--(a) This act establishes the
9 procedure for the adoption or repeal of optional plans of
10 government for municipalities.

11 (b) Except as herein provided, all proceedings relating to
12 elections shall be governed by the act of June 3, 1937
13 (P.L.1333), known as the "Pennsylvania Election Code."

14 ARTICLE II

15 Existing Forms of Government

16 Section 201. Retention of Existing Form of Government.--Each
17 municipality which does not adopt an optional plan of government
18 under the provisions of this act, shall retain its existing form
19 of government as provided in the code under which it operates or
20 under the Optional Third Class City Charter Law, or under
21 general law, or under the Constitution of Pennsylvania.

22 Section 202. Form of Government on Rejection of Proposed
23 Change.--In case the electors of any municipality disapprove a
24 proposal to adopt an optional form of government the
25 municipality shall retain its existing form of government.

26 Section 203. Repeal of Optional Forms.--The procedure for a
27 referendum on the question of repealing an optional form of
28 government shall be the same as required for the adoption of an
29 optional form of government under the provisions of this act.

30 ARTICLE III

1 Procedure for Adoption of Optional Plans

2 Study Commission

3 Section 301. Referendum.--(a) Whenever authorized by
4 ordinance of the governing body, or upon petition of the
5 electors required under Article IV of this act, an election
6 shall be held in the municipality upon the question: "Shall a
7 study commission of _____ (five to nine) members be
8 elected to study the optional plan form of government of the
9 municipality and to consider a new optional plan and to make
10 recommendations thereon?"

11 (b) Within five days after the final enactment of an
12 ordinance authorizing such election, the governing body shall
13 file a certified copy of the ordinance with the county board of
14 elections, together with a copy of the question to be submitted
15 to the electors. At the next primary or general election
16 occurring not less than ninety days after the filing of the
17 ordinance or the petition with the county board of elections, it
18 shall cause the question above stated to be submitted to the
19 electors of the municipality as other questions are submitted
20 under the provisions of the act of June 3, 1937 (P.L.1333),
21 known as the "Pennsylvania Election Code."

22 (c) A petition under this section shall be filed at least
23 ninety days prior to the primary or general election, and the
24 petition and the proceedings therein shall be in the manner and
25 subject to the provisions of the election laws which relate to
26 the signing, filing and adjudication of nomination petitions in
27 so far as such provisions are applicable, except that no
28 petition shall be signed or circulated prior to thirty days
29 before the last day on which such petition may be filed.

30 Section 302. Election of Study Commission.--A study

1 commission of five to nine members shall be elected by the
2 qualified voters at the same election the question is submitted
3 to the electors. Candidates for the office of study commissioner
4 shall be nominated and placed upon the ballot containing the
5 question in the manner provided by and subject to the provisions
6 of the act of June 3, 1937 (P.L.1333), known as the
7 "Pennsylvania Election Code" which relate to the nomination of
8 candidates nominated by nomination papers filed by political
9 bodies for other officers elective by the voters of the
10 municipality, except that they shall be nominated and listed
11 without any political designation or slogan, and no nomination
12 paper shall be signed or circulated prior to thirty days before
13 the last day on which papers may be filed. Each voter shall be
14 instructed to vote on the question and, regardless of the manner
15 of his vote on the question, to vote for the designated number
16 of members of a study commission who shall serve if the question
17 is determined in the affirmative.

18 Section 303. Candidates for Study Commission.--(a)
19 Candidates for the study commission shall be registered voters
20 of the municipality. They may be nominated by nomination papers
21 signed by a number of qualified electors of the municipality
22 equal at least to two per cent of the largest entire vote cast
23 for any municipal officer elected at the last preceding
24 municipal election in the municipality and filed with the county
25 board of elections not less than forty-four days prior to the
26 date of the election.

27 (b) Each nominating paper shall set forth the names, places
28 of residence, and post-office addresses of the candidate or
29 candidates thereby nominated, that the nomination is for the
30 office of study commissioner, and that the signers are legally

1 qualified to vote for such candidate or candidates. Every voter
2 signing a nominating paper shall add to his signature his place
3 of residence, post-office address and street number, if any. No
4 voter shall sign a nomination paper or papers for more than the
5 designated number of candidates.

6 (c) Each nominating paper shall, before it may be filed with
7 the county board of elections, contain an acceptance of such
8 nomination in writing, signed by the candidate or candidates
9 therein nominated, upon or annexed to such paper, or if the same
10 person or persons be named in more than one paper, upon or
11 annexed to one of such papers. Such acceptance shall certify
12 that each candidate is a registered voter of the municipality,
13 that the nominee consents to stand as a candidate at the
14 election, and that if elected he agrees to take office and
15 serve.

16 (d) Each nominating paper shall be verified by an oath or
17 affirmation of one or more of the signers thereof, taken and
18 subscribed before a person qualified under the laws of
19 Pennsylvania to administer an oath, to the effect that the paper
20 was signed by each of the signers thereof in his proper
21 handwriting, that the signers are, to the best knowledge and
22 belief of the affiant, registered voters of the municipality,
23 and that the nomination paper is prepared and filed in good
24 faith for the sole purpose of endorsing the person or persons
25 named therein for election as stated in the paper.

26 Section 304. Results of Election.--The result of the votes
27 cast for and against the question as to the election of a study
28 commission shall be returned by the election officers, and a
29 canvass of such election had, as is provided by law in the case
30 of other public questions put to the voters of a single

1 municipality. The votes cast for members of the study commission
2 shall be counted, and the result thereof returned by the
3 election officers, and a canvass of such election had, as is
4 provided by law in the case of election of members of the
5 governing body. The designated number of candidates receiving
6 the greatest number of votes shall be elected and shall
7 constitute the study commission. If a majority of those voting
8 on said question shall vote against the election of a study
9 commission, none of the candidates shall be elected. If two or
10 more candidates shall be equal and greatest in number of votes,
11 they shall draw lots to determine which one shall be elected.

12 Section 305. Organization of Study Commission.--As soon as
13 possible and in any event no later than fifteen days after
14 certification of election of a majority of its members, the
15 study commission shall organize and hold its first meeting and
16 elect one of its members as chairman, fix its hours and place of
17 meeting, and adopt such rules for the conduct of its business as
18 it may deem necessary and advisable. A majority of the members
19 of said commission shall constitute a quorum for the transaction
20 of business, but no recommendation of said commission shall have
21 any legal effect unless adopted by a majority of the whole
22 number of the members of the commission.

23 Section 306. Vacancies.--In case of any vacancy in the study
24 commission, the remaining members of such commission shall fill
25 it by appointing thereto some other properly qualified elector.

26 Section 307. Duties of Study Commission.--It shall be the
27 function and duty of the study commission to study the form of
28 government of the municipality to compare it with other
29 available forms under the laws of this State, to determine
30 whether or not in its judgment the government of the

1 municipality could be strengthened, made more clearly responsive
2 or accountable to the people or whether its operation could
3 become more economical or efficient under a changed form of
4 government.

5 Section 308. Compensation; Expenses.--Members of the study
6 commission shall serve without compensation, but shall be
7 reimbursed by the municipality for their necessary expenses
8 incurred in the performance of their duties. The governing body
9 shall appropriate moneys necessary for such purpose.

10 Within the limits of such appropriations and privately
11 contributed funds and services as shall be made available to it,
12 the study commission may appoint one or more consultants and
13 clerical and other assistants to serve at the pleasure of the
14 commission and may fix a reasonable compensation to be paid such
15 consultants and clerical and other assistants.

16 Section 309. Hearings.--The study commission shall hold
17 public hearings, may hold private hearings and sponsor public
18 forums, and generally shall provide for the widest possible
19 public information and discussion respecting the purposes and
20 progress of its work.

21 Section 310. Reports.--The study commission shall report its
22 findings and recommendations to the citizens of the municipality
23 within nine calendar months from the date of its election. It
24 shall publish or cause to be published sufficient copies of its
25 final report for public study and information, and shall deliver
26 to the governing body sufficient copies of the report to supply
27 it to any interested citizen upon request. If the study
28 commission shall recommend the adoption of any of the optional
29 plans of government as authorized in this act, the report shall
30 contain the complete plans as recommended.

1 Section 311. Discharge of Study Commission.--(a) The study
2 commission shall be discharged upon the filing of its report
3 with the governing body. If the commission's recommendations
4 required further procedure on the part of the governing body or
5 the citizens of the municipality, the commission shall not be
6 discharged until a copy of the report has been certified to the
7 county board of elections. Any time before such procedure has
8 been finally concluded but not later than one year from the date
9 of the publication of its final report, the commission may
10 modify or change any recommendation set forth in said final
11 report by publishing an amended report.

12 (b) Whenever a study commission issues an amended report
13 pursuant to subsection (a) above, such amended report shall
14 supersede the final report and such final report shall cease to
15 have any legal effect under this act.

16 (c) The procedure to be taken under the amended report shall
17 be governed by all provisions of Article III of this act
18 applicable to the final report of a study commission.

19 Section 312. Recommendations in General.--The study
20 commission may report and recommend:

21 (1) That a referendum shall be held to submit to the
22 qualified voters of the municipality the question of adopting
23 one of the optional forms of government authorized by this act
24 to be specified by the commission; or

25 (2) That the form of government of the municipality shall
26 remain unchanged; or

27 (3) Such other action as it may deem advisable consistent
28 with its functions as set forth in this article.

29 Section 313. Recommendation for Referendum on Adopting
30 Optional Forms.--If the study commission shall recommend that

1 the question of adopting one of the optional forms of government
2 authorized by this act shall be submitted to the voters of the
3 municipality, it shall be the duty of the governing body, within
4 five days thereafter, to certify a copy of the commission's
5 report to the county board of elections, which shall cause the
6 question of adoption or rejection to be placed upon the ballot
7 at such time as the commission shall in its report specify. The
8 commission may cause the question to be submitted to the
9 electorate at the next primary or general election, occurring
10 not less than ninety days following the filing of a copy of the
11 commission's report with the county board of elections, or at a
12 special election occurring not less than sixty days or more than
13 one hundred twenty days after the filing of the report, at such
14 time as the commission's report shall direct. At such election,
15 the question of adopting that form of government recommended by
16 the study commission shall be submitted to the voters of the
17 municipality by the county board of elections in the same manner
18 as other questions are submitted to the voters of a municipality
19 under the provisions of the act of June 3, 1937 (P.L.1333),
20 known as the "Pennsylvania Election Code." The study commission
21 shall frame the question to be placed upon the ballot as herein
22 provided, and if it deems appropriate an interpretative
23 statement to accompany such question.

24 Section 314. Action During Proceedings.--(a) No ordinance
25 may be passed and no petition may be filed for the election of a
26 study commission pursuant to section 301 of this act while
27 proceedings are pending under any other petition or ordinance
28 filed or passed under the authority of section 301, nor within
29 five years after an election shall have been held pursuant to
30 any such ordinance or petition passed or filed under section 301

1 hereof.

2 (b) For the purpose of this section, proceedings shall be
3 considered as having started (i) in the case of any ordinance
4 upon the final vote of the governing body in favor of the
5 ordinance, notwithstanding the fact that the ordinance cannot
6 take effect until a certain number of days thereafter; or (ii)
7 in the case of a petition, as soon as it is properly signed by
8 five per cent of the number of registered voters required for
9 such petition and written notice thereof filed in the office of
10 the county board of elections and in the office of the governing
11 body, who shall cause the same to be immediately posted in a
12 conspicuous place in said office, open to public inspection.

13 Section 315. Time Optional Form Takes Effect.--Whenever the
14 legally qualified voters of any municipality by a majority of
15 those voting on the question vote in favor of adopting a change
16 in their form of government pursuant to this act, the proposed
17 option shall take effect according to its terms and the
18 provisions of this act.

19 Section 316. Resubmission of Question to Electorate.--The
20 voters of any municipality which has adopted an optional plan of
21 government pursuant to this act may not vote on the question of
22 adopting another form of government until five years after the
23 optional plan became effective.

24 ARTICLE IV

25 Initiative

26 Section 401. Proposal by Electors.--A referendum on the
27 question of election of a study commission as provided under
28 Article III of this act or on the question of adoption of an
29 optional form of government may be initiated by electors of the
30 municipality.

1 Section 402. Initiative Petition; Filing.--A petition
2 containing a proposal for a referendum on the question of
3 election of a study commission as provided under Article III of
4 this act or a proposal for referendum on the question of
5 adopting an optional form of government signed by electors
6 comprising five per cent of the number of electors voting for
7 the office of Governor in the last gubernatorial general
8 election may be filed with the election officials at least
9 ninety days prior to the next primary or general election.

10 The petition shall designate the number of members, not less
11 than five or more than nine, to be elected on the study
12 commission. The name and address of the person filing the
13 petition shall be clearly stated on the petition.

14 Section 403. Review of Initiative Petition.--The election
15 officials shall review the initiative petition as to the number
16 and qualification of signers. If the petition appears to be
17 defective, the election officials shall immediately notify the
18 person filing the petition of the defect.

19 Section 404. Distribution of Petition.--When the election
20 officials find that the petition as submitted is in proper
21 order, they shall send copies of the initiative petition without
22 the signatures thereon to the governing body of the municipality
23 and to the Secretary of Community Affairs.

24 Section 405. Petition as Public Record.--The initiative
25 petition as submitted to the election officials along with the
26 list of signatories shall be open to public inspection in the
27 office of the election officials.

28 ARTICLE V

29 Referendum

30 Section 501. Referendum; Procedure.--(a) A referendum on the

1 question of election of a study commission as provided under
2 Article III of this act or on the question of the adoption or
3 repeal of an optional form of government shall be held when
4 authorized by ordinance of the governing body of a municipality
5 or when initiated by electors of the municipality.

6 (b) The procedure for the referendum shall be governed by
7 the act of June 3, 1937 (P.L.1333), known as the "Pennsylvania
8 Election Code."

9 Section 502. Placing Question on Ballot.--When the election
10 officials find that the ordinance authorized by the governing
11 body of the municipality, or the initiative petition as
12 submitted by the electors meets the requirements of this act,
13 they shall place the proposal or proposals on the ballot in a
14 manner fairly representing the content of the ordinance or of
15 the initiative petition for decision by referendum at the proper
16 election.

17 Section 503. Date of Election.--The election officials shall
18 set the date for the referendum, and shall so notify the
19 governing body of the municipality at least thirty days prior to
20 such date.

21 Section 504. Public Notice of Referendum.--At least thirty
22 days' notice of the referendum shall be given by proclamation of
23 the mayor of the city, borough, or town, or of the chairman of
24 the board of county commissioners, the president of the board of
25 township commissioners, or of the chairman of the board of
26 township supervisors, as the case may be. A copy of such
27 proclamation shall be posted at each polling place of the
28 municipality on the day of the election, and shall be published
29 once in at least one newspaper of general circulation in the
30 municipality during the thirty-day period immediately prior to

1 the election.

2 Section 505. Limits of Referendum.--(a) A referendum on the
3 question of adoption or repeal of an optional form of government
4 shall not be submitted to the electors more often than once in
5 five years.

6 (b) No option shall be approved except by a majority vote of
7 those voting on the question or questions pertaining to an
8 optional form of government. In the event more than one question
9 pertaining to an optional form of government appears on the
10 ballot, an elector shall not vote for more than one option.

11 (c) When an initiative petition or referendum ordinance is
12 filed, the election officials shall ascertain that the question
13 has not been submitted to the electors within a period of five
14 years before the date of filing of the initiative petition or
15 ordinance under consideration. If it is found that such an
16 initiative petition or ordinance was so submitted, they shall
17 notify the person who filed the petition or the governing body,
18 and refuse to place the question on the ballot.

19 Section 506. Results of Election.--The election officials
20 shall certify the result of the referendum to the governing
21 body.

22 Section 507. Implementation of Election.--(a) The elective
23 officials of the municipality required by the adoption or repeal
24 of an optional form of government shall be elected on the first
25 municipal election held at least ninety days after the
26 referendum on the adoption or repeal of an optional form of
27 government.

28 (b) Whenever the electors of any municipality, by a majority
29 vote of those voting on the question, vote in favor of adoption
30 or repeal of an optional form of government, such municipality

1 shall be governed under the provisions applicable to the form of
2 government selected from the first Monday of January following
3 the municipal election at which the elective official shall have
4 been elected.

5 (c) On the effective date of an optional plan adopted
6 pursuant to this act, all elected and appointed officials then
7 existing in such municipality shall be abolished and the terms
8 of all elected and appointed officials shall immediately cease
9 and determine. Nothing in this section shall be construed to
10 abolish the office or terminate the term of office of any
11 justice or of any official or employe now protected by any
12 tenure of office or civil service law, or of any policeman or
13 fireman, whether or not protected by a tenure of office law.

14 ARTICLE VI

15 Grants of Power

16 Section 601. Grants of Power.--All grants of municipal power
17 to municipalities governed under an optional plan as provided
18 for in this act, whether in the form of specific enumeration or
19 general terms, shall be liberally construed in favor of the
20 municipality.

21 ARTICLE VII

22 Optional County Plan #1

23 A. Form of Government

24 Section 701. County Officers.--(a) The county officers are:

- 25 (1) County Commissioners
- 26 (2) Controller or Auditors
- 27 (3) District Attorneys
- 28 (4) Public Defenders
- 29 (5) Treasurers
- 30 (6) Sheriffs

- 1 (7) Registers of Wills
- 2 (8) Recorders of Deeds
- 3 (9) Prothonotaries
- 4 (10) Clerks of the Courts.

5 (b) County officers, except for public defenders who shall
6 be appointed as provided by law, shall be elected at the
7 municipal elections and shall hold their offices for the term of
8 four years, beginning on the first Monday of January next after
9 their election, and until their successors shall be duly
10 qualified; all vacancies shall be filled in such manner as may
11 be provided by law.

12 (c) County officers shall be paid only by salary as provided
13 by law for services performed for the county or any other
14 governmental unit. Fees incidental to the conduct of any county
15 office shall be payable directly to the county or the
16 Commonwealth, or as otherwise provided by law.

17 (d) Three county commissioners shall be elected in each
18 county. In the election of these officers each qualified elector
19 shall vote for not more than two persons, and the three persons
20 receiving the highest number of votes shall be elected.

21 (e) The coroner shall be a statutory office for the term of
22 four years beginning on the first Monday of January next after
23 election, and until his successor shall be duly qualified. He
24 shall be paid only by salary as provided by law. All vacancies
25 shall be filled in such manner as may be provided by law.

26 (f) Jury commissioners shall be statutory officers and shall
27 be elected at the municipal election and shall hold their office
28 for the term of four years beginning on the first Monday of
29 January next after election and until their successors shall be
30 duly qualified; the salary board shall fix their salary;

1 vacancies shall be filled by the president judge of the court of
2 common pleas.

3 Section 702. Powers of All Officers.--All county officers
4 may exercise those powers granted by general law to county
5 offices of the class of county to which it belongs.

6 ARTICLE VIII

7 Optional County Plan #2

8 The County Executive Plan

9 A. Form of Government

10 Section 801. County Executive Plan.--The form of government
11 provided in this section shall be known as the "County Executive
12 Plan" which may be adopted by the electors of a county.

13 Section 802. County Officers.--(a) Each county adopting the
14 County Executive Plan shall have the following elected officers:

- 15 (1) Council
- 16 (2) County Executive
- 17 (3) Controller or Auditors
- 18 (4) District Attorney
- 19 (5) Sheriff.

20 (b) The council may appoint other officers and employes as
21 may be designated by ordinance.

22 Section 803. Vacancies.--Vacancies in the offices of
23 councilmen, county executive, controller or auditors, district
24 attorney and sheriff shall be filled by the county council for
25 the unexpired term of the office if it is for less than one year
26 from the date the vacancy occurred. If the unexpired term is for
27 more than one year from the date the vacancy occurred, a
28 majority of the councilmen in office may appoint a successor to
29 serve only until a special election to be held on the date of
30 the next ensuing primary, municipal or general election not less

1 than sixty days from the date of the vacancy. At the special
2 election the electorate shall elect a successor to fill the
3 vacancy who shall serve for the balance of the unexpired term.

4 Section 804. Terms of Office.--The county executive,
5 controller or auditors, district attorney and sheriff shall be
6 elected at large by the electors of the county for terms of four
7 years. Their election shall be in the manner provided by and
8 subject to the provisions of the act of June 3, 1937 (P.L.1333),
9 known as the "Pennsylvania Election Code."

10 B. The County Council

11 Section 815. County Council.--The county council shall be
12 composed of three, five, seven or nine members as determined by
13 the study commission or in the initiative petition calling for
14 the adoption of an optional plan of government.

15 Section 816. Election of Council; Districts.--The council
16 shall be elected at large or from single member districts, which
17 shall be composed of compact and contiguous territory as nearly
18 equal in population as practicable, or by a combination of these
19 methods at the regular municipal elections. The districts shall
20 be established by the court of common pleas in the county within
21 ninety days from the date of the adoption of the optional plan
22 of government.

23 The majority of the members to be elected of the first
24 council receiving the highest number of votes in the election
25 shall serve for four-year terms, while the remainder shall serve
26 for a two-year term; thereafter, all candidates for council
27 shall have four-year terms. Their election shall be in the
28 manner provided by and subject to the provisions of the act of
29 June 3, 1937 (P.L.1333), known as the "Pennsylvania Election
30 Code."

1 Section 817. Compensation of Council.--The members of county
2 council shall receive annual compensation for their services.
3 The members of the study commission shall set the salaries of
4 the council for their initial term; thereafter, as may be
5 provided by law.

6 Section 818. President of Council.--On the first Monday of
7 January following the regular municipal election, members of the
8 council shall assemble at the usual meeting place and shall
9 organize by electing one of their own members as president and
10 one as vice-president. The president shall preside at all
11 meetings and perform other duties as council may prescribe. In
12 the absence of the president, the vice-president shall be the
13 presiding officer. The council shall adopt rules for its
14 procedure and conduct of business.

15 Section 819. Secretary of Council.--The council shall
16 appoint a secretary, who shall not be a member of council, who
17 shall keep the records and minutes of council proceedings,
18 maintain a record of the ordinances and other official
19 activities, and perform other functions as required by law.

20 Section 820. Powers of Council.--(a) The county council may
21 exercise those powers granted by general law to the class of
22 county to which it belongs except those powers relating (i) to
23 appointment of county officials and employes, (ii) to
24 administrative supervision of county departments or agencies,
25 and (iii) to the enforcement of county ordinances and general
26 laws applicable to the county.

27 (b) The county council, by ordinance, shall continue,
28 create, abolish, and determine and define the powers and duties
29 of administrative departments and agencies as it may deem
30 necessary and proper for the efficient conduct of the affairs of

1 the county.

2 The council may appoint members of municipal authorities. One
3 member of any municipal authority may be a member of council.

4 The council may create committees or commissions, except those
5 established by act of assembly, of its own members or of
6 citizens for any purpose within its powers and further to
7 conduct investigations into the conduct of any officer or
8 department or any matter relating to the welfare of the city,
9 borough, town or township, and report their findings to council.

10 C. The County Executive

11 Section 831. Office of County Executive.--The county
12 executive shall be the chief executive and administrative
13 officer of the county.

14 He shall be an officer of the county, and shall not hold any
15 other elected public office.

16 Section 832. Compensation of County Executive.--The county
17 executive shall receive an annual salary for his services. The
18 members of the study commission shall set the salaries of the
19 county executive for his initial term; thereafter, as may be
20 provided by law.

21 Section 833. Duties of the County Executive.--(a) The county
22 executive shall:

23 (1) Execute all ordinances of the county and general laws
24 applicable thereto,

25 (2) Appoint all the nonelective officers and employes of the
26 county,

27 (3) Supervise all departments and agencies of the county
28 government, and require each of them to make an annual report
29 and such other reports of their work as he may deem desirable,

30 (4) Report annually to the county council and the public on

1 the work, the condition of public services and the needs and
2 requirements of the county government,

3 (5) Negotiate contracts for the county, subject to the
4 approval of the county council,

5 (6) Prepare the annual budget of the county for submission
6 to the council on forms supplied by the Department of Community
7 Affairs,

8 (7) Make recommendations relating to the county government
9 to the county council, and

10 (8) May, within ninety days after receipt of the regular
11 annual audit, request a post-audit of all county accounts be
12 made by a certified public accountant or qualified public
13 accountant who shall be employed and compensated by the county
14 council.

15 (b) All ordinances approved by the county council shall be
16 submitted to the county executive and he shall within ten days
17 after receiving any ordinance, either approve it or return it to
18 council stating his objections to it. No ordinance or any part
19 of it shall go into effect without his approval unless he fails
20 to return the ordinance to council within ten days after it was
21 presented to him, or unless council by a vote of two-thirds
22 majority of the members shall override his veto.

23 (c) The county executive shall attend meetings of the
24 council but shall have no vote, except in case of a tie on the
25 question of filling a vacancy in council when he may cast the
26 deciding vote.

27 D. Election of County Controller or Auditors

28 Section 844. Office of County Controller or Auditors.--The
29 county controller or auditors shall be elected officers of the
30 county, and shall not hold any other public office.

1 E. The County Controller

2 Section 845. Compensation of County Controller.--The county
3 controller shall receive an annual salary for his services. The
4 members of the study commission shall set the salary of the
5 controller for his initial term; thereafter, as may be provided
6 by law.

7 Section 846. Duties of County Controller.--The controller
8 shall:

9 (1) Examine, audit and settle all accounts of the county.

10 (2) Examine and audit the accounts of all departments and
11 agencies of the county.

12 (3) Pre-audit all claims and demands against the county
13 prior to payment, and control all payments out of any public
14 funds by individual warrants for each payment to the official
15 having custody thereof.

16 (4) Make an annual financial report of the public accounts
17 of the county, which shall be accompanied by a detailed
18 financial statement of revenues, expenditures and debt of the
19 county in accordance with the forms prepared for such an annual
20 financial report by the Department of Community Affairs, and
21 shall submit copies to the county council, the county executive
22 and the Department of Community Affairs.

23 (5) Make an annual report of all the audits he shall have
24 made to the county council.

25 (6) Carry out other duties relating to the finances of the
26 county as directed by county council.

27 F. Auditors

28 Section 850. Number and Election.--In each county where the
29 office of controller has not been established, three county
30 auditors shall be elected. In the election of auditors, each

1 qualified elector shall vote for no more than two persons. The
2 three persons having the highest number of votes shall be
3 elected.

4 Section 851. Meetings; Quorum.--The auditors shall assemble
5 at the county seat on the first Monday of January in each year,
6 and begin their audit of the fiscal affairs of the county for
7 the fiscal year immediately preceding, and thereafter, at such
8 times as they may find necessary for the completion of their
9 audit before the first day of the following April. They may,
10 upon petition to the court of common pleas, have such additional
11 time for the completion of their report as the court shall
12 allow. Any two auditors when duly convened shall be a quorum for
13 the purpose of transacting any business.

14 Section 852. Compensation of Auditors.--The county auditors
15 shall receive compensation for their services. Members of the
16 study commission shall set the compensation of the auditors for
17 their initial term; thereafter, as may be provided by law.

18 G. The District Attorney

19 Section 858. Office of District Attorney.--The district
20 attorney shall be an elected officer of the county, and shall
21 not hold any other elected public office.

22 Section 859. Compensation of District Attorney.--The
23 district attorney shall receive an annual salary for his
24 services. The members of the study commission shall set the
25 salaries of the district attorney for his initial term;
26 thereafter, as may be provided by law.

27 Section 860. Duties of District Attorney.--The district
28 attorney may exercise those powers granted by general law to a
29 district attorney of the class of county to which it belongs.

30 H. The Sheriff

1 Section 871. Office of Sheriff.--The sheriff shall be an
2 elected officer of the county, and shall not hold any other
3 elected public office.

4 Section 872. Compensation of Sheriff.--The sheriff shall
5 receive an annual salary for his services. The members of the
6 study commission shall set the salary of the sheriff for his
7 initial term; thereafter, as may be provided by law.

8 Section 873. Duties of Sheriff.--The sheriff may exercise
9 those powers granted by general law to a sheriff of the class of
10 county to which it belongs.

11 ARTICLE IX

12 Optional County Plan #3

13 The Council-Manager Plan

14 A. The Form of Government

15 Section 901. Council-Manager Plan.--The form of government
16 provided in this section shall be known as the "Council-Manager
17 Plan." A referendum on the question of adoption of a Council-
18 Manager Plan may be initiated by electors of the county or the
19 governing body of a county may, by ordinance, provide for a
20 referendum on the question of adoption of a Council-Manager
21 Plan.

22 Section 902. County Officers.--(a) Each county adopting the
23 Council-Manager Plan shall have the following elected officers:

24 (1) Council

25 (2) Controller or Auditors

26 (3) District Attorney

27 (4) Sheriff

28 (b) The county council may appoint the following officers:

29 (1) County Manager

30 (2) Public Defender

- 1 (3) Register of Wills
- 2 (4) Recorder of Deeds
- 3 (5) Prothonotary
- 4 (6) Clerk of the Courts

5 and other officers and employes as may be designated by
6 ordinance.

7 Section 903. Vacancies.--Vacancies in the offices of
8 councilmen, county manager, controller or auditors, district
9 attorney and sheriff shall be filled by the county council for
10 the unexpired term of the office if it is for less than one year
11 from the date the vacancy occurred. If the unexpired term is for
12 more than one year from the date the vacancy occurred, a
13 majority of the councilmen in office may appoint a successor to
14 serve only until a special election to be held on the date of
15 the next ensuing primary, municipal or general election not less
16 than sixty days from the date of the vacancy. At the special
17 election the electorate shall elect a successor to fill the
18 vacancy who shall serve for the balance of the unexpired term.

19 Section 904. Terms of Office.--The controller or auditors,
20 district attorney and sheriff shall be elected at large by the
21 electors for terms of four years. Their election shall be in
22 the manner provided by and subject to the provisions of the act
23 of June 3, 1937 (P.L.1333), known as the "Pennsylvania Election
24 Code."

25 B. The County Council

26 Section 915. County Council.--The county council shall be
27 composed of three, five, seven or nine members as determined by
28 the study commission or in the initiative petition calling for
29 the adoption of an optional plan of government.

30 Section 916. Election of Council; Districts.--The council

1 shall be elected at large or from single member districts, which
2 shall be composed of compact and contiguous territory as nearly
3 equal in population as practicable, or by a combination of these
4 methods at the regular municipal elections. The districts shall
5 be established by the court of common pleas in the county within
6 ninety days from the date of the adoption of the optional plan
7 of government.

8 The majority of the members to be elected of the first
9 council receiving the highest number of votes in the election
10 shall serve for four-year terms, while the remainder shall serve
11 for a two-year term; thereafter, all candidates for council
12 shall have four-year terms. Their election shall be in the
13 manner provided by and subject to the provisions of the act of
14 June 3, 1937 (P.L.1333), known as the "Pennsylvania Election
15 Code."

16 Section 917. Compensation of Council.--The members of county
17 council shall receive annual compensation for their services.
18 The members of the study commission shall set the salaries of
19 the council for their initial term; thereafter, as may be
20 provided by law.

21 Section 918. President of Council.--On the first Monday of
22 January following the regular municipal election, members of the
23 council shall assemble at the usual meeting place and shall
24 organize by electing one of their members as president and one
25 as vice-president. The president shall preside at all meetings
26 and perform other duties as council may prescribe. In the
27 absence of the president, the vice-president shall be the
28 presiding officer. The council shall adopt rules for its
29 procedure and conduct of business.

30 Section 919. Powers of Council.--The county council may

1 exercise those powers granted by general law to the class of
2 county to which it belongs except those powers delegated to the
3 county manager under section 929 of this act.

4 C. The County Manager

5 Section 928. Appointment of County Manager.--The county
6 council shall appoint a county manager for an indefinite term by
7 a majority of all the members of the council who shall fix his
8 compensation. The county manager may be removed for malfeasance,
9 misfeasance or nonfeasance in office or for other just cause by
10 a majority vote of the county council, taken after the manager
11 has received fifteen days' advance notice of the intent to take
12 such a vote. A hearing shall be held in connection with the vote
13 if the county manager shall request it in writing.

14 Section 929. Duties of County Manager.--The county manager
15 shall be the chief administrative officer of the county and
16 shall:

17 (1) Administer all the ordinances of the county and the
18 general laws applicable thereto.

19 (2) Be responsible to the county council for the carrying
20 out of all policies established by it and for the proper
21 administration of all affairs of the county within the
22 jurisdiction of the council.

23 (3) Supervise all departments and agencies of the county
24 government and require each of them to make an annual and such
25 other reports of their work as he may direct.

26 (4) Negotiate all contracts for the county, subject to
27 approval of the county council.

28 (5) Make recommendations concerning the location and nature
29 of county improvements, and execute county improvements as
30 determined by the county council.

1 (6) Prepare the annual budget for submission to the council
2 of the county under the provisions of the code under which the
3 county operates.

4 (7) Attend all meetings of the council, with the right to
5 take part in the discussions but without the right to vote.

6 (8) May, within ninety days after receipt of the regular
7 annual audit, request a post-audit of all county accounts be
8 made by a certified public accountant or qualified public
9 accountant who shall be employed and compensated by the county
10 council.

11 D. Election of County Controller or Auditors

12 Section 930. Office of County Controller or Auditors.--The
13 county controller or auditors shall be elected officers of the
14 county, and shall not hold any other public office.

15 E. The County Controller

16 Section 931. Compensation of County Controller.--The county
17 controller shall receive an annual salary for his services. The
18 members of the study commission shall set the salary of the
19 county controller for his initial term; thereafter as may be
20 provided by law.

21 Section 932. Duties of County Controller.--The controller
22 shall:

23 (1) Examine, audit and settle all accounts of the county.

24 (2) Examine and audit the accounts of all departments and
25 agencies of the county.

26 (3) Pre-audit all claims and demands against the county
27 prior to payment, and control all payments out of any public
28 funds by individual warrants for each payment to the official
29 having custody thereof.

30 (4) Make an annual financial report of the public accounts

1 of the county, which shall be accompanied by a detailed
2 financial statement of revenues, expenditures and debt of the
3 county in accordance with the forms prepared for such an annual
4 financial report by the Department of Community Affairs, and
5 shall submit copies to the county council, the county executive
6 and the Department of Community Affairs.

7 (5) Make an annual report of all the audits he shall have
8 made to the county council.

9 (6) Carry out other duties relating to the finances of the
10 county as directed by county council.

11 F. Auditors

12 Section 940. Number and Election.--In each county where the
13 office of controller has not been established, three county
14 auditors shall be elected. In the election of auditors, each
15 qualified elector shall vote for no more than two persons. The
16 three persons having the highest number of votes shall be
17 elected.

18 Section 941. Meetings; Quorum.--The auditors shall assemble
19 at the county seat on the first Monday of January in each year,
20 and begin their audit of the fiscal affairs of the county for
21 the fiscal year immediately preceding, and thereafter, at such
22 times as they may find necessary for the completion of their
23 audit before the first day of the following April. They may,
24 upon petition to the court of common pleas, have such additional
25 time for the completion of their report as the court shall
26 allow. Any two auditors when duly convened shall be a quorum for
27 the purpose of transacting any business.

28 Section 942. Compensation of Auditors.--The county auditors
29 shall receive compensation for their services. Members of the
30 study commission shall set the compensation of the auditors for

1 their initial term; thereafter, as may be provided by law.

2 G. The District Attorney

3 Section 943. Office of District Attorney.--The district
4 attorney shall be an elected officer of the county, and shall
5 not hold any other elected public office.

6 Section 944. Compensation of District Attorney.--The
7 district attorney shall receive an annual salary for his
8 services. The members of the study commission shall set the
9 salaries of the district attorney for his initial term;
10 thereafter as may be provided by law.

11 Section 945. Duties of District Attorney.--The district
12 attorney may exercise those powers granted by general law to a
13 district attorney of the class of county to which it belongs.

14 ARTICLE X

15 Optional Municipal Plan #1

16 The Municipal Executive Plan

17 A. Form of Government

18 Section 1001. Municipal Executive Plan.--The form of
19 government provided in this article shall be known as the
20 "Municipal Executive Plan" which may be adopted by the electors.

21 Section 1002. Municipal Officers.--(a) Each city, borough,
22 town or township adopting the Municipal Executive Plan shall
23 have the following elected officers:

24 (1) Council

25 (2) Municipal Executive

26 (3) Controller or Auditors.

27 (b) The council may appoint other officers and employes as
28 may be designated by ordinance.

29 Section 1003. Vacancies.--Vacancies in the offices of
30 councilman, municipal executive, and controller or auditors

1 shall be filled by the municipal council for the unexpired term
2 of office if it is for less than one year from the date the
3 vacancy occurred. If the unexpired term is for more than one
4 year from the date the vacancy occurred, a majority of the
5 councilmen in office may appoint a successor to serve only until
6 a special election to be held on the date of the next ensuing
7 primary, municipal or general election not less than sixty days
8 from the date of the vacancy. At the special election the
9 electorate shall elect a successor to fill the vacancy who shall
10 serve for the balance of the unexpired term.

11 Section 1004. Terms of Officers.--The municipal executive
12 and the controller or auditors shall be elected at large by the
13 electors of the city, borough, town or township for terms of
14 four years. Their election shall be in the manner provided by
15 and subject to the provisions of the act of June 3, 1937
16 (P.L.1333), known as the "Pennsylvania Election Code."

17 B. The Municipal Council

18 Section 1015. Municipal Council.--The municipal council
19 shall be composed of three, five, seven or nine members as
20 provided in the ordinance of the governing body or determined by
21 the study commission or in the initiative petition calling for
22 the adoption of an optional plan of government.

23 Section 1016. Election of Council; District.--The council
24 shall be elected at large or from single member districts which
25 shall be composed of compact and contiguous territory as nearly
26 equal in population as practicable, or by a combination of these
27 methods at the regular municipal elections. The districts shall
28 be established by the court of common pleas in the county in
29 which the municipality is situated within ninety days from the
30 date of the adoption of the optional plan of government.

1 The majority of the members to be elected of the first
2 council receiving the highest number of votes in the election
3 shall serve for four-year terms, while the remainder shall serve
4 for a two-year term; thereafter, all candidates for council
5 shall have four-year terms. Their election shall be in the
6 manner provided by and subject to the provisions of the act of
7 June 3, 1937 (P.L.1333), known as the "Pennsylvania Election
8 Code."

9 Section 1017. Compensation of Council.--The members of the
10 municipal council shall receive annual compensation for their
11 services. The members of the study commission shall set the
12 salaries of the municipal council for their initial term;
13 thereafter as may be provided by law.

14 Section 1018. President of Council.--On the first Monday of
15 January following the regular municipal election at which
16 members of the council are elected, the members of council shall
17 assemble at the usual meeting place and shall organize by
18 electing one of their own members as president and one as vice-
19 president. The president shall preside at all meetings and
20 perform other duties as council may prescribe. In the absence of
21 the president, the vice-president shall be the presiding
22 officer. The council shall adopt rules for its procedure and
23 conduct of its business.

24 Section 1019. Secretary of Council.--The council shall
25 appoint a secretary who shall not be a member of council, who
26 shall keep the records and minutes of council proceedings,
27 maintain a record of the ordinances and other official actions,
28 and perform other functions as required by law.

29 Section 1020. Powers of Council.--(a) The municipal council
30 may exercise those powers granted by general law to a city,

1 borough, town or township whichever is applicable, except those
2 powers relating to (i) appointment of municipal officials and
3 employes, (ii) administrative supervision of municipal
4 departments or agencies, and (iii) the enforcement of city,
5 borough, town or township ordinances and general laws applicable
6 to a city, borough, town or township.

7 (b) The municipal council by ordinance may continue, create,
8 abolish and determine and define the powers and duties of the
9 administrative departments and agencies as it may deem necessary
10 and proper for the efficient conduct of the affairs of the city,
11 borough, town or township. The council may appoint members of
12 municipal authorities. One member of any municipal authority may
13 be a member of council. The council may create committees or
14 commissions, except those established by act of assembly, of its
15 own members or of citizens for any purpose within its powers,
16 and further to conduct investigations into the conduct of any
17 officer or department, or any matter relating to the welfare of
18 the city, borough, town or township, and report their findings
19 to council.

20 C. The Municipal Executive

21 Section 1031. Office of Municipal Executive.--The municipal
22 executive shall be the chief executive and administrative
23 officer of the city, borough, town or township and may be
24 designated as the city mayor, the borough mayor, the town mayor,
25 or the township executive, as the case may be.

26 The municipal executive shall be an officer of the
27 municipality, and shall not hold any other elected public
28 office.

29 Section 1032. Compensation of Municipal Executive.--The
30 municipal executive shall receive an annual salary for his

1 services. The members of the study commission shall set the
2 salaries of the municipal executive for his initial term;
3 thereafter as may be provided by law.

4 Section 1033. Duties of Municipal Executive.--(a) The
5 municipal executive shall:

6 (1) Execute all ordinances of the city, borough, town or
7 township and general laws applicable thereto.

8 (2) Appoint all the nonelective officers and employes of the
9 city, borough, town or township.

10 (3) Supervise all departments and agencies of the municipal
11 government, and require each of them to make an annual report
12 and such other reports of their work as he may deem desirable.

13 (4) Report annually to the municipal council and the public
14 on the work, the condition of public services, and the needs and
15 requirements of the municipal government.

16 (5) Negotiate contracts for the city, borough, town or
17 township, subject to the approval of the municipal council.

18 (6) Prepare the annual budget of the city, borough, town or
19 township for submission to the council on forms supplied by the
20 Department of Community Affairs.

21 (7) Make recommendations relating to the municipal
22 government to the municipal council.

23 The municipal executive may, within ninety days after receipt
24 of the regular annual audit, request a post-audit of all
25 municipal accounts to be made by a certified public accountant
26 or qualified public accountant who shall be employed and
27 compensated by the municipal council.

28 (b) All ordinances approved by the municipal council shall
29 be submitted to the municipal executive, and he shall within ten
30 days after receiving any ordinance, either approve it or return

1 it to council stating his objections to it. No ordinance or any
2 part of it shall go into effect without his approval unless he
3 fails to return the ordinance to council within ten days after
4 it was presented to him, or unless council by a vote of two-
5 thirds majority of the members shall override his veto.

6 (c) The municipal executive may attend meetings of the
7 council but shall have no vote, except in case of a tie on the
8 the question of filling a vacancy in council when he may cast
9 the deciding vote.

10 D. Election of Municipal Controller or Auditors

11 Section 1044. Office of Municipal Controller or Auditors.--
12 The municipal controller or auditors shall be elected officers
13 of the city, borough, town or township, and shall not hold any
14 other public office.

15 E. The Municipal Controller

16 Section 1045. Compensation of Municipal Controller.--The
17 municipal controller shall receive an annual salary for his
18 services. The members of the study commission shall set the
19 salary of the municipal controller for his initial term;
20 thereafter as may be provided by law.

21 Section 1046. Duties of Municipal Controller.--The municipal
22 controller shall:

23 (1) Examine, audit and settle all accounts of the city,
24 borough, town or township.

25 (2) Examine and audit the accounts of all departments and
26 agencies of the city, borough, town or township.

27 (3) Pre-audit all claims and demands against the city,
28 borough, town or township prior to payment, and control all
29 payments out of any public funds by individual warrants for each
30 payment to the official having custody thereof.

1 (4) Make an annual report of all the audits he shall have
2 made to the municipal council.

3 (5) Make an annual financial report of the public accounts
4 of the city, borough, town or township, which shall be
5 accompanied by a detailed financial statement of revenues,
6 expenditures and debt of the city, borough, town or township in
7 accordance with the forms prepared for such an annual financial
8 report by the Department of Community Affairs, and shall submit
9 copies to the municipal council, the municipal executive, and
10 the Department of Community Affairs.

11 (6) Carry out other duties relating to the finances of the
12 city, borough, town or township as directed by the municipal
13 council.

14 F. Municipal Auditors

15 Section 1050. Number and Election.--In each city, borough,
16 town or township where the office of controller has not been
17 established, three auditors shall be elected. In the election of
18 auditors, each qualified elector shall vote for no more than two
19 persons. The three persons having the highest number of votes
20 shall be elected.

21 Section 1051. Meetings; Quorum.--The auditors shall assemble
22 at the usual meeting place of the governing body on the first
23 Monday of January in each year, and begin their audit of the
24 fiscal affairs of the city, borough, town or township for the
25 fiscal year immediately preceding, and thereafter, at such times
26 as they may find necessary for the completion of their audit
27 before the first day of the following April. They may, upon
28 petition to the court of common pleas, have such additional time
29 for the completion of their report as the court shall allow. Any
30 two auditors when duly convened shall be a quorum for the

1 purpose of transacting any business.

2 Section 1052. Compensation of Auditors.--The auditors shall
3 receive compensation for their services. Members of the study
4 commission shall set the compensation of the auditors for their
5 initial term; thereafter as may be provided by law.

6 ARTICLE XI

7 Optional Municipal Plan #2

8 The Municipal Council-Manager Plan

9 A. The Form of Government

10 Section 1101. Municipal Council-Manager Plan.--The form of
11 government provided in this article shall be known as the
12 "Municipal Council-Manager Plan," which may be adopted by the
13 electors.

14 Section 1102. Municipal Officers.--(a) Each city, borough,
15 town or township adopting the Council-Manager Plan shall have
16 the following elected officers:

17 (1) Council

18 (2) Controller or Auditors.

19 (b) The municipal council shall appoint a municipal manager
20 for an indefinite term by a majority of all the members of the
21 council who shall fix his compensation.

22 Section 1103. Vacancies.--Vacancies in the offices of
23 councilman and controller or auditors shall be filled by the
24 municipal council for the unexpired term of the office if it is
25 for less than one year from the date the vacancy occurred. If
26 the unexpired term is for more than one year from the date the
27 vacancy occurred, a majority of the councilmen in office may
28 appoint a successor to serve only until a special election to be
29 held on the date of the next ensuing primary, municipal or
30 general election not less than sixty days from the date of the

1 vacancy. At the special election the electorate shall elect a
2 successor to fill the vacancy who shall serve for the balance of
3 the unexpired term.

4 Section 1104. Terms of Office.--The controller or auditors
5 shall be elected at large by the electors for a term of four
6 years. Their election shall be in the manner provided by and
7 subject to the provisions of the act of June 3, 1937 (P.L.1333),
8 known as the "Pennsylvania Election Code."

9 B. The Council

10 Section 1115. Municipal Council.--The municipal council
11 shall be composed of three, five, seven or nine members as
12 determined by the study commission or in the initiative petition
13 calling for the adoption of an optional plan of government.

14 Section 1116. Election of Council; Districts.--The council
15 shall be elected at large or from single member districts, which
16 shall be composed of compact and contiguous territory as nearly
17 equal in population as practicable or by a combination of these
18 methods, at the regular municipal elections. The districts shall
19 be established by the court of common pleas in the city,
20 borough, town or township within ninety days from the date of
21 the adoption of the optional plan of government.

22 The majority of the members to be elected of the first
23 council receiving the highest number of votes in the election
24 shall serve for four-year terms, while the remainder shall serve
25 for a two-year term; thereafter, all candidates for council
26 shall have four-year terms. Their election shall be in the
27 manner provided by and subject to the provisions of the act of
28 June 3, 1937 (P.L.1333), known as the "Pennsylvania Election
29 Code."

30 Section 1117. Compensation of Council.--The members of

1 municipal council shall receive annual compensation for their
2 services. The members of the study commission shall set the
3 salaries of the municipal council for their initial term;
4 thereafter as may be provided by law.

5 Section 1118. President of Council.--On the first Monday of
6 January following the regular municipal election, members of the
7 council shall assemble at the usual meeting place and shall
8 organize by electing one of their members as president and one
9 as vice-president. The president shall preside at all meetings
10 and perform other duties as council may prescribe. In the
11 absence of the president, the vice-president shall be the
12 presiding officer. The council shall adopt rules for its
13 procedure and conduct of business.

14 Section 1119. Powers of Council.--(a) The municipal council
15 may exercise those powers granted by general law to a city,
16 borough, town or township whichever is applicable, except those
17 powers relating to (i) appointment of municipal officials and
18 employes, (ii) administrative supervision of municipal
19 departments or agencies, and (iii) the enforcement of city,
20 borough, town or township ordinances and general laws applicable
21 to a city, borough, town or township.

22 (b) The municipal council by ordinance may continue, create,
23 abolish and determine and define the powers and duties of the
24 administrative departments and agencies as it may deem necessary
25 and proper for the efficient conduct of the affairs of the city,
26 borough, town or township. The council may appoint members of
27 municipal authorities. One member of any municipal authority may
28 be a member of council. The council may create committees or
29 commissions, except those established by act of assembly, of its
30 own members or of citizens for any purpose within its powers,

1 and further to conduct investigations into the conduct of any
2 officer or department or any matter relating to the welfare of
3 the city, borough, town or township, and report their findings
4 to council.

5 C. Municipal Manager

6 Section 1127. Duties of Municipal Manager.--(a) The
7 municipal manager shall:

←

8 (1) Execute all ordinances of the city, borough, town or
9 township and general laws applicable thereto.

10 (2) Appoint all the nonelective officers and employes of the
11 city, borough, town or township.

12 (3) Supervise all departments and agencies of the municipal
13 government, and require each of them to make an annual report
14 and such other reports of their work as he may deem desirable.

15 (4) Report annually to the municipal council and the public
16 on the work, the condition of public services, and the needs and
17 requirements of the municipal government.

18 (5) Negotiate contracts for the city, borough, town or
19 township, subject to the approval of the municipal council.

20 Nothing herein shall prohibit the council or manager from
21 employing consultants to assist the manager in the negotiation
22 of contracts.

23 (6) Prepare the annual budget of the city, borough, town or
24 township for submission to the council on forms supplied by the
25 Department of Community Affairs.

26 (7) Make recommendations relating to the municipal
27 government to the municipal council.

28 The municipal manager may, within ninety days after receipt
29 of the regular annual audit, request a post-audit of all
30 municipal accounts be made by a certified public accountant or

1 qualified public accountant who shall be employed and
2 compensated by the municipal council.

3 ~~(b) The municipal manager may attend meetings of the council~~ ←
4 ~~but shall have no vote.~~

5 D. Election of Municipal Controller or Auditors

6 Section 1138. Office of Municipal Controller or Auditors.--

7 (a) The municipal controller or auditors shall be elected
8 officers of the city, borough, town or township, and shall not
9 hold any other public office.

10 E. The Municipal Controller

11 Section 1139. Compensation of Municipal Controller.--The
12 municipal controller shall receive an annual salary for his
13 services. Members of the study commission shall set the salary
14 of the municipal executive for his initial term; thereafter as
15 may be provided by law.

16 Section 1140. Duties of Municipal Controller.--The municipal
17 controller shall:

18 (1) Examine, audit and settle all accounts of the city,
19 borough, town or township.

20 (2) Examine and audit the accounts of all departments and
21 agencies of the city, borough, town or township.

22 (3) Pre-audit all claims and demands against the city,
23 borough, town or township prior to payments, and control all
24 payments out of any public funds by individual warrants for each
25 payment to the official having custody thereof.

26 (4) Make an annual report of all the audits he shall have
27 made to the municipal council.

28 (5) Make an annual financial report of the public accounts
29 of the city, borough, town or township, which shall be
30 accompanied by a detailed financial statement of revenues,

1 expenditures and debt of the city, borough, town or township in
2 accordance with the forms prepared for such an annual financial
3 report by the Department of Community Affairs, and shall submit
4 copies to the municipal council, the municipal executive, and
5 the Department of Community Affairs.

6 (6) Carry out other duties relating to the finances of the
7 city, borough, town or township as directed by the municipal
8 council.

9 F. Municipal Auditors

10 Section 1150. Number and Election.--In each city, borough,
11 town or township where the office of controller has not been
12 established, three auditors shall be elected. In the election of
13 auditors, each qualified elector shall vote for no more than two
14 persons. The three persons having the highest number of votes
15 shall be elected.

16 Section 1151. Meetings; Quorum.--The auditors shall assemble
17 at the usual meeting place of the governing body on the first
18 Monday of January in each year, and begin their audit of the
19 fiscal affairs of the city, borough, town or township for the
20 fiscal year immediately preceding, and thereafter, at such times
21 as they may find necessary for the completion of their audit
22 before the first day of the following April. They may, upon
23 petition to the court of common pleas, have such additional time
24 for the completion of their report as the court shall allow. Any
25 two auditors when duly convened shall be a quorum for the
26 purpose of transacting any business.

27 Section 1152. Compensation of Auditors.--The auditors shall
28 receive compensation for their services. Members of the study
29 commission shall set the compensation of the auditors for their
30 initial term; thereafter as may be provided by law.

ARTICLE XII

Repeals and Effective Date

Section 1201. Specific Repeal.--The act of July 15, 1957 (P.L.901), known as the "Optional Third Class City Charter Law," is repealed absolutely.

Section 1202. Effective Date.--This act shall take effect immediately.